



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

IN REPLY PLEASE
REFER TO OUR FILE
C-2017-2610579

October 11, 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. Nasser Limousine LLC
Docket No. C-2017-2610579
Petition for Leave to Withdraw Complaint

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Bureau of Investigation and Enforcement's
Petition for Leave to Withdraw the Complaint in the above-referenced matter.

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 "K. Myers", is written over a light blue horizontal line.

Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Prosecutor for the Bureau of
Investigation and Enforcement

Enclosures

cc: Honorable Benjamin J. Myers
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-2017-2610579 |
| | : | |
| Nasser Limousine LLC, | : | |
| Respondent | : | |

**PETITION OF THE BUREAU OF INVESTIGATION AND ENFORCEMENT
FOR LEAVE TO WITHDRAW COMPLAINT**

TO THE HONORABLE BENJAMIN J. MYERS:

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by and through its prosecuting attorney, pursuant to 52 Pa. Code § 5.94(a), petitions for leave to withdraw the Complaint in the above-captioned proceeding. I&E submits the following in support thereof:

1. On August 8, 2017, I&E filed a Formal Complaint (“Complaint”) docketed at C-2017-2610579 against Nasser Limousine LLC (“Nasser Limousine” or “Respondent”). The factual basis of the Complaint stemmed from an informal complaint alleging that Respondent was offering to transport passengers in a vehicle with a seating capacity of eleven (11) passengers, excluding the driver, when Respondent is not certificated with the Commission to transport passengers in vehicles with that type of seating capacity.¹ Upon further investigation of the informal complaint, I&E discovered

¹ Prior to the cancellation of Respondent’s Certificate of Public Convenience, Respondent was authorized by the Commission to transport passengers in limousine service in vehicles seating ten (10) passengers or less, excluding the driver, and in group and party service in vehicles seating sixteen (16) or more persons, including the driver, at Docket No. A-00120555.

that Respondent had two (2) vehicles in its fleet each with a seating capacity of eleven (11) passengers, excluding the driver. I&E also reviewed the trip sheets for both vehicles and determined that the vehicles were operated on ten (10) days during the time period of April 28, 2017 through June 10, 2017. In the Complaint, I&E alleged that Nasser Limousine violated Section 1102 of the Public Utility Code, 66 Pa.C.S. § 1102, by providing transportation in a service type not authorized by the Commission and sought relief in the form of a civil penalty of \$1,000 per day that the vehicles were operated for a total civil penalty of \$10,000.

2. On August 28, 2017, Nasser Limousine filed an Answer to I&E's Complaint denying that the two (2) vehicles at issue in I&E's Complaint had a seating capacity of eleven (11) passengers, excluding the driver, and further denying that more than ten (10) passengers, excluding the drivers, utilized the vehicles during the period in question, including the 10 days between April 28, 2017 and June 10, 2017.

3. An Initial Hearing was scheduled in this matter for Tuesday, October 16, 2018 at 10:00 AM in Harrisburg.

4. Pursuant to Your Honor's Prehearing Order dated August 31, 2018, I&E attempted to contact Respondent regarding a possible settlement of this matter on September 24, 2018. Respondent did not respond to I&E.

5. By Secretarial Letter dated October 3, 2018, Respondent's Certificate of Public Convenience ("Certificate") was cancelled at Docket No. C-2018-3003286 for failing to maintain evidence of liability insurance on file with the Commission.

6. Given that Respondent's Certificate was cancelled, I&E deemed it appropriate to request that its Complaint in the instant proceeding be withdrawn.


7. In an attempt not to unnecessarily expend the time and resources of Your Honor, Respondent, and the court reporter, on October 9, 2018, via electronic mail, I&E informed Your Honor and Respondent of I&E's intent to withdraw its Complaint in this matter and request that the Initial Hearing scheduled for October 16, 2018 be cancelled.

8. I&E received no objection from Respondent regarding I&E's intent to withdraw its Complaint in this matter.

9. On October 10, 2018, Your Honor issued a Cancellation Notice cancelling the Initial Hearing in this matter.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement respectfully requests that Your Honor issue an Order granting this Petition.

Respectfully submitted,



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

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

Dated: October 11, 2018

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

| | | |
|--|---|---------------------------|
| Pennsylvania Public Utility Commission, | : | |
| Bureau of Investigation and Enforcement, | : | |
| Complainant | : | |
| | : | |
| v. | : | Docket No. C-2017-2610579 |
| | : | |
| Nasser Limousine LLC, | : | |
| Respondent | : | |


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).

Service by First Class Mail and Electronic Mail:

Gregory J. Pascale, Esquire
Needle Law, P.C.
240 Penn Avenue
Scranton, PA 18503
greg@needlelawfirm.com

Counsel for Nasser Limousine LLC



Kourtney L. Myers
Prosecutor
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
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Harrisburg, PA 17105-3265
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Date: October 11, 2018