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MEMBER PA, NJ & DC BAR

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

July 15, 2019

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement v.
John F. Fluehr Jr., John F. Fluehr III & Theodore Fluehr t/a John F. Fluehr & Sons
Docket No. C-2019-3008807

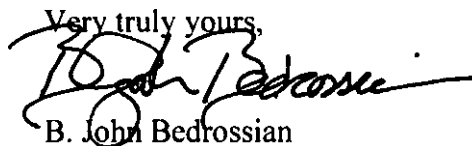
Dear Secretary Chiavetta:

Enclosed for filing please find a Petition for Reconsideration of Staff Action and an Application for Approval of Abandonment or Discontinuance of Service in the above-referenced matter.

Also enclosed please find a self-addressed prepaid envelope to return a stamped copy indicating receipt.

I am also enclosing an attorney check in the amount of \$10.00 for the Application fee.

Thank you for your assistance.

Very truly yours,

B. John Bedrossian

cc: John F. Fluehr & Sons
Michael L. Swindler and Cathy Royer

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION :
BUREAU OF INVESTIGATION AND ENFORCEMENT:**

V.

: DOCKET NO. C-2019-3008807

**JOHN F. FLUEHR, JR., JOHN F. FLUEHR III
& THEODORE FLUEHR
T/A JOHN F. FLUEHR & SONS
3301 COTTMAN AVENUE
PHILADELPHIA, PA 19149**

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**PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU**

PETITION FOR RECONSIDERATION FROM STAFF ACTION

John F. Fluehr Jr., John F. Fluehr III & Theodore Fluehr t/a John F. Fluehr & Sons ("Fluehr"), respectfully requests that the Pennsylvania Public Utility Commission remove the imposition of any fines or costs against Fluehr, modify its determination, and grant the Application for Approval of Abandonment or Discontinuance of Service submitted herewith.

1. On or about March 27, 2019, the Bureau of Investigation and Enforcement instituted a Complaint against "JOHN F FLUEHR JR, JOHN F FLEUHR III & THEODORE FLEUHR T/A JOHN F FLUEHR & SONS" for failure to maintain evidence of insurance on file with the Pennsylvania Public Utility Commission (the "PUC").

2. The Respondent/Petitioner is John F. Fluehr, Jr., John F. Fluehr, III & Theodore Fluehr T/A John F. Fluehr & Sons ("Fluehr"). The names of John F. Fluehr III and Theodore Fluehr were both incorrect in the filed Complaint.

3. John F. Fluehr, Jr. and John F. Fluehr, III have both passed away and the only surviving partner of John F. Fluehr & Sons is Theodore Fluehr.

4. Fluehr was issued its Certificate of Public Convenience in 1976 at A-00099538.

5. On April 16, 2019, Fluehr through its legal counsel, B. John Bedrossian, wrote a letter to Mr. Michael L. Swindler, Deputy Chief Prosecutor of the Pennsylvania Public Utility Commission, Bureau of Investigations and Enforcement, advising the Bureau of Investigations and Enforcement that effective on or about February 13, 2019, Fluehr no

longer has any limousines and no longer has a livery business and, further, since there are no limousines to insure no proof of insurance could be provided to the PUC as requested. Attached hereto and made a part hereof please find a copy of this April 16, 2019 letter (with cell number redacted).

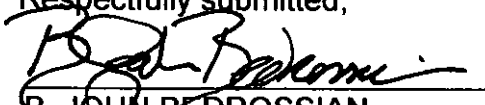
6. On or About May 20, 2019, the Bureau of Investigations and Enforcement, Ms. Cathy Royer, advised counsel that to cancel Authority an application would need to be submitted. There was no stated deadline or time requirement. There was no indication that given the April 16, 2019 letter, and the circumstances, a formal Answer would be required. In any event, the Bureau of Investigations and Enforcement had been made fully aware why the requested insurance could not be provided as Respondent had only just recently no vehicles to insure and no longer had a livery business.

7. Respondent was in the process of evaluating, reviewing, and preparing an Application for Abandonment or Discontinuance of Service filing. On July 9, 2019 counsel contacted Ms. Royer to inquire as to final questions on the Application submittal. No mention was made that a July 2, 2019 Cancellation Notice had been sent. Counsel was advised to contact the applications number 717-787-3834. On July 9, 2019 counsel contacted the applications number provided to go over the Application submittal and left a message to be called back. To date, counsel has not heard back. No copy of the Cancellation Notice was ever sent to counsel. While arranging for Fluehr to sign the Application on July 11, 2019 counsel first learned about the Cancellation Notice when his client advised of receipt of same, with imposition of fines and other restrictions.

8. The Respondent objects to the actions taken, disagrees with the determination, the Cancellation Notice, and related fines, and submits its Application for Approval of the Abandonment or Discontinuance of Service to voluntarily terminate its Certificate of Public Convenience. Attached hereto and made a part hereof please find a copy of the Application for Approval of the Abandonment or Discontinuance of Service.

WHEREFORE, the Respondent respectfully requests that the imposition of any fines or costs against Fluehr be removed, that the determination be modified, and that the Application for Approval of Abandonment or Discontinuance of Service be approved, and the pending matter be terminated.

Dated: July 12, 2019

Respectfully submitted,

B. JOHN BEDROSSIAN
ATTORNEY AT LAW
Attorney ID No. 52976
900 Maple Street, Office Suite A
Conshohocken, PA 19428
(610) 940-4433

B. John Bedrossian
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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

April 16, 2019

Via email: RA-PCCmplntResp@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

Re: Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement v.
John F. Fluehr Jr., John F. Fluehr III & Theodore Fluehr t/a John F. Fluehr & Sons
Docket No. C-2019-3008807

Dear Mr. Swindler:

Please note my representation of John F. Fluehr & Sons.

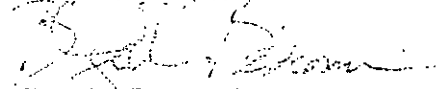
I am in receipt of a Complaint in the above-captioned matter. I am writing in connection with the Complaint and in regards to the Certificate of Public Convenience of May 24, 1976, at A-00099538. I am writing in lieu of a formal Answer at this time.

Please be advised that effective on or about February 13, 2019 my client no longer has any limousines and no longer has a livery business. Accordingly, there are no limousines to insure and, therefore, no proof of insurance to provide. We respectfully request the dismissal of the Complaint and any imposition of a penalty.

I can be reached by email at BJBesquire@aol.com and on my cell phone at [REDACTED]

Thank you for your assistance and courtesies in this matter.

Very truly yours,


B. John Bedrossian

cc: John F. Fluehr & Sons

VERIFICATION

Theodore Fluehr, the sole surviving partner of John F. Fluehr, Jr., John F. Fluehr, III & Theodore Fluehr, T/A John F. Fluehr & Sons, states that the statements made in the foregoing Petition are true and correct to the best of his knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

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SECRETARY'S BUREAU



Theodore Fluehr,
Theodore Fluehr,
The sole surviving partner of John F. Fluehr,
Jr., John F. Fluehr, III & Theodore Fluehr, T/A
John F. Fluehr & Sons

Date: 7-12-2019

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION :
BUREAU OF INVESTIGATION AND ENFORCEMENT:

V.

: DOCKET NO.:
: C-2019-3008807

JOHN F. FLUEHR, JR., JOHN F. FLUEHR III :
& THEODORE FLUEHR :
T/A JOHN F. FLUEHR & SONS :
3301 COTTMAN AVENUE :
PHILADELPHIA, PA 19149 :

CERTIFICATE OF SERVICE

I do hereby certify that a true and correct copy of the Petition for
Reconsideration from Staff Action and the Application for Approval of
Abandonment or Discontinuance of Service was served by First Class Mail upon:

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

Dated: July 16, 2019



B. JOHN BEDROSSIAN
ATTORNEY AT LAW
Attorney ID No. 52976
900 Maple Street, Office Suite A
Conshohocken, PA 19428
(610) 940-4433

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**APPLICATION FOR APPROVAL OF ABANDONMENT OR
DISCONTINUANCE OF SERVICE**

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

**In re: JOHN F FLUEHR JR., JOHN F FLEUHR III
& THEODORE FLEUHR
T/A JOHN F FLUEHR & SONS**

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Application Docket
No. A-00099538

For approval of the abandonment or
discontinuance of common carrier service.

TO PENNSYLVANIA PUBLIC UTILITY COMMISSION:

1. The Applicant is:

John F. Fluehr, Jr., John F. Fluehr, III & Theodore Fluehr, T/A John F. Fluehr &
Sons

Business Address of Applicant is:
3301 Cottman Avenue
Philadelphia, PA 19149

Philadelphia County

Phone Number: 215-624-5150

2. Applicant's attorney for this application is:

B. John Bedrossian, Esquire
900 Maple Street
Office Suite A
Conshohocken, PA 19428
(610) 940-4433

3. Any notice, process or order of the PUC should be served upon:

Theodore Fluehr
3301 Cottman Avenue
Philadelphia, PA 19149

4. This application is for the discontinuance of all of the service now authorized.


5. Approval of the application is necessary or proper for the following reasons:

The Applicant, effective on or about February 13, 2019, no longer has any limousines and no longer has a livery business. Further, there are no limousines to insure and no proof of insurance to provide to the PUC as requested. Limousines were previously used in connection with Fluehr funeral services. Applicant by letter from its counsel of April 16, 2019 in reply to the Complaint previously advised Mr. Michael L. Swindler, Deputy Chief Prosecutor of the Pennsylvania Public Utility Commissions of this information (see attached). This Application is in furtherance of that. The Applicant was not in violation of insurance requirements since there were no limousines to insure and Applicant did reply to the Complaint, and was in the process of filing this Application. The Applicant requests that any fines not be imposed, that the Application be granted and that this matter be dismissed.

Wherefore, Applicant respectfully requests the Commission to cancel, or amend the certificate of public convenience, as now held, in conformance with the application, and to dismiss and terminate the matter of *Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement v. John F. Fluehr Jr., John F. Fluehr III & Theodore Fluehr t/a John F. Fluehr & Sons*, Docket No. C-2019-3008807.

Respectfully submitted,

Applicant signature:



John F. Fluehr, Jr., John F. Fluehr, III & Theodore
Fluehr, T/A John F. Fluehr & Sons
By Theodore Fluehr, the sole surviving partner

VERIFICATION

Theodore Fluehr, the sole surviving partner of John F. Fluehr, Jr., John F. Fluehr, III & Theodore Fluehr, T/A John F. Fluehr & Sons, states that the statements made in the foregoing Application are true and correct to the best of his knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.



Theodore Fluehr,
The sole surviving partner of John F. Fluehr,
Jr., John F. Fluehr, III & Theodore Fluehr, T/A
John F. Fluehr & Sons

Date: 7-12-2019

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FROM:

B. John Bedrossian, Esq.
900 Maple Street
Office Suite A
Conshohocken, PA 19428-1450

TO: Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

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