



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

IN REPLY PLEASE
REFER TO OUR FILE

April 16, 2019

Russell Farbiarz, Esq.
Antanavage Farbiarz PLLC
64 North Fourth Street
Hamburg, PA 19526

Re: Pennsylvania Public Utility Commission, Bureau of Investigation
and Enforcement v. Uptown Limousine and Car Service, LLC
Docket No. C-2018-3000102

CONFIDENTIAL SETTLEMENT COMMUNICATION

Dear Attorney Farbiarz:

I am the Prosecuting Attorney in the Pennsylvania Public Utility Commission's ("Commission" or "PUC") Bureau of Investigation and Enforcement ("I&E") assigned to prosecute the above-captioned Formal Complaint.

On July 5, 2018, I&E filed the above-captioned Formal Complaint against your client, Uptown Limousine and Car Service, LLC ("Company"), for permitting its vehicles to operate while under suspension due to its failure to maintain evidence of liability insurance on file with the Commission. I&E's complaint seeks payment of a \$10,000 civil penalty and a directive that its certificate of public convenience be cancelled. On July 11, 2018, the Commission received the Company's Answer to the complaint.

Based on a in camera review of the Company's trip logs, it was determined that your client permitted its vehicles to be operated forty-five (45) days between February 23, 2017 and May 8, 2017 while under suspension by the Commission. While the penalty for this violation is \$1,000 for each day the Company operated while under suspension – which would be a total civil penalty of \$45,000 – the Commission's Motor Carrier guidelines cap the fine for this violation at a maximum of \$10,000. Be advised that the failure to maintain evidence of liability insurance with the Commission is a violation in and of itself with an associated civil penalty of \$500. The complaint has not been amended to include this applicable fine. Moreover, the Commission also maintains the discretion to seek cancellation of the violator's certificate of public convenience, which it has done in this formal complaint.

Here, a period of time lapsed wherein the Company failed to maintain evidence of insurance on file with the Commission and did, in fact, operate its vehicles for apportion of that time. Please be advised that the \$10,000 maximum civil penalty assessed here is

the standard civil penalty that has been imposed by the Commission in recent years for such a violation over multiple days, triggering the civil penalty cap. However, in order to resolve this matter in expeditious fashion, **I&E is willing to reduce the civil penalty in this case from \$10,000 to \$2,500** if this reduced civil penalty is paid within twenty (20) days of your receipt of this letter.

I hope that your client will consider paying the reduced civil penalty of **\$2,500** in order to satisfy the above-docketed Complaint. Should your client agree to do so, payment must be made by **certified check or money order**, made payable to **“Commonwealth of Pennsylvania”** with the docket number of this proceeding listed, and mailed to *me* at the address listed below within *twenty (20) days* of your receipt of this letter.

Should your client choose to **not** pay the reduced \$2,500 civil penalty as satisfaction of this Complaint, please be advised the Complaint will be assigned to an Administrative Law Judge and the matter will move forward to an evidentiary hearing wherein the larger, original fine will be sought, the Certificate of Public Convenience could be cancelled, and vehicle registration could be subject to suspension. Also, the complaint could be amended to include additional violations and associated fines. Finally, pursuant to 52 Pa. Code §§ 1.21 and 1.22, should this matter proceed to a hearing, your client must be represented by an attorney at the hearing, which will require incurring those additional legal costs as well.

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

Sincerely,



Michael L. Swindler, Deputy Chief Prosecutor
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