



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
400 NORTH STREET, HARRISBURG, PA 17120

August 29, 2019

**VIA ELECTRONIC FILING**

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

Re: Pennsylvania Public Utility Commission, Bureau of Investigation  
and Enforcement v. Capital City Cab Service Inc.  
Docket No. C-2019-\_\_\_\_\_

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,

Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Prosecutor for the Bureau of  
Investigation and Enforcement

Enclosures

cc: 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  
400 North Street  
Harrisburg, PA 17120

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:

Kourtney L. Myers, Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

Or, emailed to Ms. Myers at: [komyers@pa.gov](mailto:komyers@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 past due assessment and 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  
400 North Street  
Harrisburg, PA 17120

**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.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2019-
	:	
Capital City Cab Service Inc.	:	

**COMPLAINT**

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by its prosecuting attorneys, and files this Complaint against Capital City Cab Service Inc. (“Respondent”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701. In support of its Complaint, I&E respectfully represents the following:

**Parties and Jurisdiction**

1. The Pennsylvania Public Utility Commission, with a mailing address of 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*

2. Complainant is the Commission’s Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11). *See also Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered August 11, 2011) at 5 (transferring authority to prosecute assessment cases to I&E).

3. Complainant is represented by:

Kourtney L. Myers  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120  
717.705.4366  
komyers@pa.gov

Christopher M. Andreoli  
Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120  
717.783.3458  
chandreoli@pa.gov

Michael L. Swindler  
Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120

4. Respondent is Capital City Cab Service Inc. and maintains its principal place of business at 362 South Front Street, Steelton, PA 17113, Attention: Ayal Salame.

5. Respondent is a "public utility" as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

6. The Commission issued Respondent a Certificate of Public Convenience on or about October 26, 1997, at A-00113875, for taxi authority.

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 public utilities 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. Section 3301(a)-(b) of the Public Utility Code, 66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day's continuance of such violation(s).

10. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

11. 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**

12. On or about September 2, 2017, the Commission mailed to Respondent, by certified mail, an assessment invoice for the July 1, 2017 to June 30, 2018 Fiscal Year

("2017-2018 Fiscal Year") that was based, in part, on revenues for the 2016 calendar year that Respondent reported to the Commission in its 2016 Assessment Report.

Respondent's assessment was \$4,835. A copy of the assessment invoice is attached as Exhibit 1.

13. Accompanying the assessment invoice was a notice of assessment that informed Respondent that it was obligated to pay the amount listed on the assessment invoice within thirty (30) days or file objections within fifteen (15) days. A copy of the notice of assessment is attached as Exhibit 2.

14. On September 2, 2017, Respondent received the assessment invoice and notice of assessment for the 2017-2018 Fiscal Year. A true and correct copy of proof of delivery of the assessment invoice and notice of assessment is attached as Exhibit 3.

15. The Commission received no objections from Respondent to the assessment amount set forth in the 2017-2018 Fiscal Year Assessment Invoice.

16. On or about November 9, 2017, the Commission's Bureau of Administration ("ADM") sent Respondent a letter warning Respondent that if it did not pay its 2017-2018 Fiscal Year Assessment within thirty (30) days of receipt of the letter, then ADM would refer the matter to I&E for prosecution.

17. On or about November 9, 2017, Respondent submitted payment in the amount of \$623, which was applied to Respondent's 2017-2018 Fiscal Year Assessment.

18. On or about January 19, 2018, I&E sent Respondent a letter warning Respondent that if it did not pay the remainder of its 2017-2018 Fiscal Year Assessment within thirty (30) days of receipt of the letter, then I&E would file a Formal Complaint

against Respondent seeking payment of the outstanding assessment and a civil penalty and revocation of Respondent's Certificate and vehicle registration(s) with the Pennsylvania Department of Transportation.

19. On or about February 1, 2018, Respondent submitted payment in the amount of \$2,000, which was applied to Respondent's 2017-2018 Fiscal Year Assessment.

20. On or about January 2, 2019, Respondent submitted payment in the amount of \$2,000, which was applied to Respondent's 2017-2018 Fiscal Year Assessment.

21. The total outstanding assessment balance for Respondent related to the 2017-2018 Fiscal Year is \$212.

### **Violation**

22. That Respondent failed to satisfy its 2017-2018 Fiscal Year Assessment in that it did not pay the amount due within thirty (30) days of receipt of the invoice. If proven, this is a violation of Section 510(c) of the Public Utility Code, 66 Pa.C.S. § 510(c). The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is 15% of the outstanding assessment balance or a minimum of \$50, whichever is greater. Therefore I&E's proposed civil penalty for this violation is \$50.<sup>1</sup> This civil penalty, consistent with past Commission decisions,<sup>2</sup> is based on Respondent's

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<sup>1</sup> I&E anticipates that this level of penalty will provide a sufficient deterrent against future violations by Respondent.

<sup>2</sup> See *Pa. Pub. Util. Comm'n v. Juan Genet Enter., LLC t/a Safe Destinations*, Docket No. C-2014-2450660 (Order entered August 3, 2017); *Pa. Pub. Util. Comm'n v. Leo Movers & Storage, Inc.*, Docket No. C-2015-2494528 (Order entered August 3, 2017); *Pa. Pub. Util. Comm'n v. Hoffman Landscaping & Trucking, LLP*, Docket No. C-2015-2495061 (Order entered September 21, 2017); *Pa. Pub. Util. Comm'n v. Deer Haven, LLP*, Docket No. C-2015-2498095 (Order entered October 26, 2017); *Pa. Pub. Util.*

acceptable history of compliance with the Public Utility Code and Commission's regulations,<sup>3</sup> the amount of Respondent's outstanding assessment balance related to the 2017-2018 Fiscal Year, and the need to deter future violations of the Public Utility Code and the Commission's regulations pursuant to 52 Pa. Code § 69.1201.<sup>4</sup>

**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 total of \$262, which consists of its outstanding assessment balance of \$212 and a total civil penalty of \$50 for the above described violation. Said payment should be made by certified check or money order, made payable to the "Commonwealth of Pennsylvania" with the docket number of this proceeding listed, and mailed to the Secretary's Bureau of the Commission; and

(b) If payment of the assessment and civil penalty is not made, the Bureau of Investigation and Enforcement requests that:

(1) the Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;

(2) this matter be referred to the Pennsylvania Office of Attorney General for appropriate action; and

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*Comm'n v. Reach for the Stars Limousine Serv. Inc.*, Docket No. C-2015-2499276 (Order entered October 26, 2017).

<sup>3</sup> A review of the Commission's records for a period of three (3) years prior to the date of the filing of this Complaint demonstrates that Respondent has an acceptable compliance history with the Commission.

<sup>4</sup> The Commission promulgated a Policy Statement at 52 Pa. Code § 69.1201 as a guideline that sets forth ten factors that are to be considered when evaluating whether and to what extent a civil penalty for violating a Commission order, regulation, or statute is warranted. Among these factors are the compliance history of the regulated entity that committed the violation, the amount of the civil penalty necessary to deter future violations, and past Commission decisions in similar situations. 52 Pa. Code §§ 69.1201(c)(6), (8), and (9).

(3) the Commission certify automobile registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'K. Myers', with a long, sweeping horizontal stroke extending to the right.

Kourtney L. Myers  
Prosecutor

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120  
717.705.4366  
komyers@pa.gov


Date: August 29, 2019

Pennsylvania Public Utility Commission :  
Bureau of Investigation and Enforcement :  
v. : Docket No. C-2019-  
Capital City Cab Service Inc. :

**VERIFICATION**

I, Amy Zuvich, Chief of Finance and Assessments, Bureau of Administration, Finance and Assessment Section, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: August 29, 2019

  
\_\_\_\_\_  
Amy Zuvich, Chief of Finance and Assessments  
Finance and Assessment Section  
Bureau of Administration  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

# **EXHIBIT 1**



Commonwealth of Pennsylvania  
**Pennsylvania Public Utility Commission**  
 Harrisburg, PA 17105-3265

**GENERAL ASSESSMENT INVOICE**

INVOICE DATE	INVOICE NUMBER
9/5/2017	17-631532

FISCAL YEAR
July 1, 2017 to June 30, 2018

CAPITAL CITY CAB SERVICE INC  
 362 SOUTH FRONT STREET  
 STEELTON PA 17113

- Read Carefully Notice of Assessment
- Use Return Envelope Provided
- Make Check Payable to:  
Commonwealth of Pennsylvania

Pennsylvania Public Utility Commission	\$4,835.00
<b>PAY THIS AMOUNT WITHIN 30 DAYS</b>	<b>\$4,835.00</b>

TO RECEIVE PROPER CREDIT FOR YOUR  
 PAYMENT, REMOVE THE BOTTOM PART OF  
 THIS INVOICE AT THE PERFORATION AND  
 RETURN WITH YOUR REMITTANCE

MAIL PAYMENT TO:
PA DOR PO BOX 61380 HARRISBURG, PA 17106-1380

FOLD AND CUT HERE

RETURN THIS PORTION WITH YOUR REMITTANCE

CAPITAL CITY CAB SERVICE INC  
 362 SOUTH FRONT STREET  
 STEELTON PA 17113

INVOICE DATE	INVOICE NUMBER
9/5/2017	17-631532
FISCAL YEAR	
July 1, 2017 to June 30, 2018	

Pennsylvania Public Utility Commission	\$4,835.00
<b>PAY THIS AMOUNT WITHIN 30 DAYS</b>	<b>\$4,835.00</b>

17000063153231 09051710000483500200000000003000000000 000004835008

# **EXHIBIT 2**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

**NOTICE OF ASSESSMENT**

**EXPLANATION OF BILL FOR GENERAL ASSESSMENT  
FOR FISCAL YEAR JULY 1, 2017 TO JUNE 30, 2018**

In Section 510 of the Public Utility Code, 66 Pa. C.S. §510, the Pennsylvania General Assembly has authorized the Pennsylvania Public Utility Commission to assess all public utilities a percentage of their gross intrastate operating revenues for the preceding calendar year. Under Section 510, each public utility is required, on or before March 31 of each year to file with the Commission a statement of the utility's gross intrastate operating revenues for the preceding calendar year. After receiving the utilities' statements of gross intrastate operating revenues, the Commission sends general assessment invoices to all public utilities to advise each utility of the amount of assessment that utility owes based upon that utility's activity (gross intrastate operating revenues) in the preceding year. The enclosed assessment is for your proportionate share of the estimated expenses of the Public Utility Commission for the Commission's Fiscal Year July 1, 2017 to June 30, 2018.

**YOU ARE REQUIRED TO PAY THIS BILL WITHIN THIRTY DAYS AFTER YOU RECEIVE IT.** Objections to the assessment must be made in writing within 15 days and shall set out in detail the grounds upon which you regard the assessment to be excessive, erroneous, unlawful, or invalid. Objections may be filed only by the person, partnership, or corporation assessed. Filing an objection, however, does not eliminate your obligation to pay the assessment while your objection is being considered. **FAILURE TO PAY THE ASSESSMENT WHEN PAYMENT IS DUE WILL SUBJECT YOU TO PENALTIES.**

Be sure that your personal check or money order is written out in the same amount as your assessment invoice, and make your remittance payable to, "Commonwealth of PA". **DO NOT SEND CASH.** If you have reason to correspond with the Commission regarding your assessment invoice, please make reference to your invoice number. A receipt for payment will not be issued. Please mail your payment with the return portion of your invoice in the enclosed self-addressed envelope. Please note that rounding of your assessment to the nearest dollar has occurred. Your assessment for the PUC, including the OCA and the OSBA where applicable, has been combined into one invoice; one payment for all applicable assessments is acceptable. **A TWENTY (\$20.00) FEE WILL BE CHARGED FOR ALL DISHONORED OR BAD CHECKS REMITTED AS PAYMENT OF ASSESSMENTS.**

Your assessment has been computed by multiplying your gross intrastate operating revenues for the calendar year 2016 by the assessment factor for the public utility group of which you are a member. Your gross intrastate operating revenues for 2016 have been taken from the Assessment Reports Form GAO-16, AR-16-RR or AR-16-MC which you have filed with the Commission, or have been estimated by the Commission if you failed to file a timely report. Gross operating revenue reported to the Commission on the Assessment Reports may have been revised by the Commission to accurately reflect assessable revenue. The assessment factors for the various public utility groups are set forth in Schedule B enclosed herewith.

The approved estimate of expenditures of the Commission for the period July 1, 2017 to June 30, 2018 payable as a General Assessment by the public utilities which the Commission regulates has been determined as follows:

Estimate of the expenditures of the Commission  
for the Fiscal Year July 1, 2017 to June 30, 2018 \$73,499,000

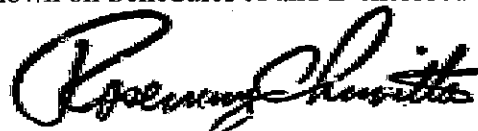
Deduct:

Budget Reserve Pending Legislation (PWA)	\$733,000
Pipeline Operators per Act 127 of 2011	\$646,553
UGWF Administration Act 13 of 2012	\$1,408,000
Prior Years Returned Funds	\$5,400,000
Fee Collections	\$289,703
UCR/NGS/EGS	<u>\$12,114,652</u>

Total Deductions \$20,591,908

Total Assessment allocated to Public  
Utility groups furnishing various types  
of public service \$52,907,092

The way in which the total Public Utility Commission assessment of \$52,907,092 has been allocated to the various groups of public utilities is shown on Schedules A and B enclosed herewith.



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Rosemary Chiavetta  
Secretary  
PA Public Utility Commission

**MAKE INQUIRIES TO:**

Pennsylvania Public Utility Commission  
Bureau of Administrative Services/Assess  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**FOR CERTIFIED AND EXPRESS CARRIERS**

Pennsylvania Public Utility Commission  
Bureau of Administrative Services/Assess  
400 North Street  
Harrisburg, PA 17120

**CONTACT INFORMATION:**

Assessment Section Information - Telephone 717-265-7548

Allocation of Expenses based on percent of prior year Public Utility Group workload  
Budget Fiscal Year 2017-18

**SCHEDULE A**

<b>Group</b>	<b>Total Expenditures per Utility Group Calendar Year 2016</b>	<b>Percentage Distribution</b>	<b>Estimated Expenditures Fiscal Year 2017-2018 by Utility Group</b>
Electric	\$24,240,765	45.7222%	\$24,190,287
Gas	\$11,406,599	21.5148%	\$11,382,855
Pipeline	\$162,386	0.3063%	\$162,054
Steam Heat	\$282,440	0.5327%	\$281,836
Tele./Tele.	\$5,973,562	11.2671%	\$5,961,095
Water/Sewer	\$4,931,756	9.3021%	\$4,921,471
Transportation - Passenger	\$4,187,783	7.8989%	\$4,179,078
Transportation - Property	\$705,309	1.3303%	\$703,823
Transportation - Rail	\$1,126,948	2.1256%	\$1,124,593
<b>Total</b>	<b>\$53,017,548</b>	<b>100.00%</b>	<b>\$52,907,092</b>

**SCHEDULE B**

<b>Group</b>	<b>Estimated Expenditures Fiscal Year 2017-2018 by Utility Group</b>	<b>Gross intrastate revenues by utility group Calendar Year 2016</b>	<b>General Assessment Factor by Utility Group (Col. (a) / by Col. (b))</b>
	(a)	(b)	(c)
Electric	\$24,190,287	\$7,789,115,585	0.003105652591
Gas	\$11,382,855	\$3,089,182,967	0.003684746136
Pipeline	\$162,054	\$44,186,061	0.003667536692
Steam Heat	\$281,836	\$81,423,347	0.003461365940
Tele./Tele.	\$5,961,095	\$2,095,709,247	0.002844428448
Water/Sewer	\$4,921,471	\$1,161,310,517	0.004237859666
Transportation - Passenger	\$4,179,078	\$276,978,774	0.015088080360
Transportation - Property	\$703,823	\$412,397,692	0.001706660861
Transportation - Rail	\$1,124,593	\$106,882,231	0.010521795714
<b>Total</b>	<b>\$52,907,092</b>	<b>\$15,057,186,421</b>	<b>0.003513743572</b>

**SUPPLEMENTAL SCHEDULE**  
**FEDERAL SHORTFALL RELATED TO GAS SAFETY APPLICABLE TO GAS PUBLIC UTILITIES ONLY**

	<b>Estimated Commission Federal Shortfall for Calendar Year 2016 and 6 Months of Calendar Year 2017</b>	<b>Actual Commission Federal Shortfall for Calendar Year 2016 and 6 Months of Calendar Year 2017</b>	<b>Estimated Commission Federal Shortfall for Calendar Year 2017 and 6 Months of Calendar Year 2018</b>
Gas	(\$685,832)	\$329,532	\$356,300
	<b>Net Estimated Commission Federal Shortfall for Fiscal Year 2017-18 Assessment</b>	<b>Reported Revenue for Gas Utility Group for Calendar Year 2016</b>	<b>Supplemental add-on Factor</b>
Gas	\$0	\$3,419,595,396	0.000000000000

# **EXHIBIT 3**

**Track Another Package +**

**Tracking Number:** 9171969009350133737740

Remove X

Your item was delivered to an individual at the address at 10:26 am on September 2, 2017 in HARRISBURG, PA 17113.

 **Delivered**

September 2, 2017 at 10:26 am  
Delivered, Left with Individual  
HARRISBURG, PA 17113

Feedback

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**Tracking History** 

**September 2, 2017, 10:26 am**  
Delivered, Left with Individual  
HARRISBURG, PA 17113

Your item was delivered to an individual at the address at 10:26 am on September 2, 2017 in HARRISBURG, PA 17113.

**September 2, 2017, 7:52 am**  
Arrived at Unit  
HARRISBURG, PA 17113

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**Product Information** 

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Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement

v.

Capital City Cab Service Inc.

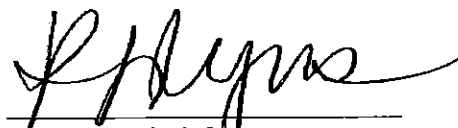
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: Docket No. C-2019-  
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### CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Complaint upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Notification by Certified Mail:

Ayal Salame, President  
Capital City Cab Service Inc.  
362 South Front Street  
Steelton, PA 17113



Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
400 North Street  
Harrisburg, PA 17120  
717.705.4366  
[komyers@pa.gov](mailto:komyers@pa.gov)

Dated: August 29, 2019