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September 12, 2019

Via eFiling and Email

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: **PUC v. Pocono Cab Company, LLC**
C-2019-3009656
Answer and New Matter

Dear Secretary Chiavetta:

Appended hereto is the Answer and New Matter of Pocono Cab Company, LLC in the above captioned matter. A copy of this document has been served via email upon the Bureau of Investigation and Enforcement as set forth in the attached certificate of service and in accordance with the Notice attached to the Complaint. If you have any questions, please feel free to contact me at my direct dial number.

Very truly yours,



Craig A. Doll

cc: Pocono Cab Company, LLC

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2019-3009656
	:	
Pocono Cab Company, LLC	:	

ANSWER AND NEW MATTER

To the Honorable Pennsylvania Public Utility Commission:

Now comes, Pocono Cab Company, LLC t/a/ Pocono Cab Company (“Pocono Cab”) by and through its undersigned counsel, pursuant to the provisions of 52 Pa. Code § 5.61, hereby filed this Answer to the Complaint of the Bureau of Investigation and Enforcement (“Bureau”) and requests that the complaint be dismissed. In support of this request, Pocono Cab respectfully represents as follows:

1. Admitted
2. Admitted.

3. Denied. The factual allegations within this paragraph contain information that is in the exclusive control of the Commission. As stated below, Pocono Cab has no record of being contacted by the Stroud Area Regional Police Department, being informed of any incident involving any of its vehicles, or any of its drivers. Further, Pocono Cab has never received a copy of the police report associated with the alleged incident. Pocono Cab specifically denied that the blood toxicology report indicated that the named driver had detectable quantities of cannabinoids in his system. Pocono Cab has insufficient information to form a belief as to the truth and accuracy of the statements contained in this paragraph. Therefore the statements made in this paragraph are denied, strict proof being demanded thereof.

4. Admitted in part, denied in part. It is admitted that PUC Motor Carrier Enforcement Officer Robert Maholik visited the offices of Pocono Cab, inspected log sheets, and was the first to inform Pocono Cab of the alleged incident. It is denied that Marisa DelCorso is the owner of Pocono Cab. It is admitted that all driver logs were in compliance with PUC regulations

5. Denied. For the reasons stated below in new matter, Pocono Cab did not allow a driver to drive under the influence of a controlled substance and did not violate the Regulations of this Commission. By way of further answer, this paragraph constitutes a conclusion of law and prayer for relief which need not be admitted or denied.

NEW MATTER

6. The complaint provides no allegation or proof that the alleged incident resulted in a conviction of the named individual. Pocono Cab submits that the mere allegation of a driver operating under the influence is insufficient to penalize Pocono Cab.

7. Pocono Cab has not seen the alleged toxicology report nor does it have any information as to the truth or accuracy of that report.

8. It is not within the expertise of the PUC to analyze the truth or accuracy of any statements contained in a toxicology report.

9. The complaint provides no information or proof that the named individual was operating a vehicle rather than standing.

10. Pocono Cab even had no knowledge of the alleged incident prior to being informed by PUC Motor Carrier Enforcement Officer Maholik.

11. The named individual was not under the influence of a controlled substance when he began his shift.

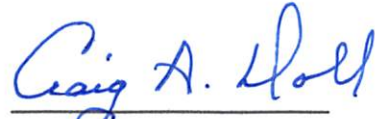
12. The named individual was not carrying any fare when the alleged incident occurred.

13. The named individual did not have the permission of Pocono Cab to utilize a controlled substance as alleged.

14. It is against the policy of Pocono Cab for any individual in its employ to utilize a controlled substance.

WHEREFORE, Pocono Cab Company, LLC t/a Pocono Cab Company respectfully requests that the Complaint of the Bureau of Transportation be dismissed.

Respectfully submitted,



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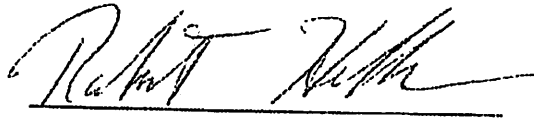
Attorney I.D. # 22814

Attorney for Pocono Cab Company,
LLC

Dated: September 12, 2019

AFFADAVIT

I, Robert Heller, being duly sworn according to law, depose and say that I am authorized to make this affidavit on behalf of Pocono Cab Company, LLC t/a Pocono Cab Company, being the holder of the office of President, and that the facts set forth are true and correct to the best of my knowledge, information and belief and that Pocono Cab Company expects to be able to prove the same at any hearing hereof

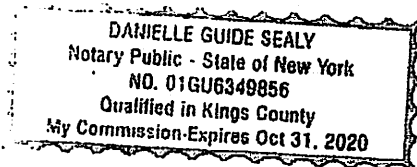


Robert Heller

Sworn and subscribed before me
This 11 day of SEP, 2019



Notary Public



CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the Answer of Pocono Cab Company, LLC upon the persons listed below via first class mail, postage prepaid in accordance with the provisions of 52 Pa. Code §1.54.

Via E-filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Via e-mail

Michael L. Swindler, Deputy Chief Prosecutor
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