



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

November 8, 2019

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

Re: Pennsylvania Public Utility Commission, Bureau of Investigation  
and Enforcement v. Pocono Cab Company LLC t/a Pocono Cab  
Docket No. C-2019-3009656  
**(Amended Complaint)**

Dear Secretary Chiavetta:

Enclosed for filing please find the Amended 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

RECEIVED

2019 NOV -8 PM 3:36

PA PUC  
SECRETARY'S BUREAU  
FRONT DESK

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 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 mailed 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-2019-3009656
	:	
Pocono Cab Company LLC	:	
t/a Pocono Cab	:	

**AMENDED COMPLAINT**

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission” or “PUC”), by its prosecuting attorney, and files this Amended Complaint against Pocono Cab Company LLC t/a Pocono Cab (“Respondent”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701, and Sections 5.21 and 5.91 of the Commission’s regulations, 52 Pa. Code §§ 5.21 and 5.91. In support of its Amended 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, which is the bureau established to take enforcement actions against public utilities and other entities subject to the Commission’s jurisdiction 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 (delegating authority to initiate proceedings that are prosecutory in nature 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

4. Respondent is Pocono Cab Company LLC t/a Pocono Cab and maintains its principal place of business at 399 Oak Street, East Stroudsburg, PA, 18301, with a mailing address of 431 North Courtland Street, East Stroudsburg, PA, 18301.

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 February 26, 2018, at A-00120050F0001 AM-A, 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 February 26, 2019, at approximately 1:32 AM, Officer Steven Cohen of the Stroud Area Regional Police Department ("SARPD") was on patrol and driving in a marked police vehicle on McConnell Street in Stroudsburg, Pennsylvania.

13. At the intersection of McConnell Street and North Third Street, Officer Cohen observed a white 2010 Dodge Caravan bearing Pennsylvania registration number

TX49418 and vehicle identification number 2D4RN1AEXAR223004 without illuminated lights.

14. The vehicle is registered to and owned by Respondent.

15. While driving behind the vehicle, Officer Cohen also observed the vehicle change lanes without using a turn signal and therefore, initiated a motor vehicle stop of the vehicle.

16. Officer Cohen identified the driver and sole occupant of the vehicle as Anthony Maksymo using his Pennsylvania driver's license.

17. At the time of the motor vehicle stop, Anthony Maksymo was operating the vehicle in passenger transportation service for Respondent.

18. As Officer Cohen was standing outside the vehicle, he noticed that Mr. Maksymo's eyes were bloodshot and glassy and he smelled a strong odor of burnt marijuana emanating from Mr. Maksymo's person.

19. As a result, Officer Cohen administered to Mr. Maksymo three (3) Standardized Field Sobriety Tests ("SFST"), a Horizontal Gaze Nystagmus Test, a Walk-and-Turn Test, and a One-Leg Stand Test.

20. Mr. Maksymo performed poorly on the SFSTs due to a lack of convergence in his eyes and being unable to maintain his balance and follow instructions, which are signs indicative of marijuana use.

21. Due to the odor of marijuana, Officer Cohen performed a probable cause vehicle search on the Dodge Caravan and located leaflike flakes throughout the vehicle, as well as a black film canister containing leaflike flakes.

22. Officer Cohen performed a Narcotic Identification Kit (“NIK”) Test on the flakes contained in the black film canister, which tested positive for tetrahydrocannabinols (“THC”), a cannabinoid found in marijuana.

23. Officer Cohen placed Anthony Maksymo under arrest for driving under the influence of a controlled substance and transported Mr. Maksymo to the Monroe County Correctional Facility DUI Processing Center for chemical testing, pursuant to 75 Pa.C.S. § 1613, where Mr. Maksymo consented to chemical testing by blood draw at approximately 2:36 AM.

24. The blood drawing was sent to the Pennsylvania State Police’s (“PSP”) Bureau of Forensic Services for drug chemistry testing.

25. On April 12, 2019, the SARPD received a drug toxicology report from PSP regarding the blood drawing from Anthony Maksymo, which confirmed that there were cannabinoids in Anthony Maksymo’s blood at the time of the motor vehicle stop on February 26, 2019.

26. On or about April 17, 2019, PUC Motor Carrier Enforcement Officer Robert Maholik obtained Mr. Maksymo’s driver log sheets from Respondent for February 25, 2019 and February 26, 2019. The log sheets are attached as I&E Exhibit 1.

27. The log sheets indicated that Anthony Maksymo logged fares until 11:33 PM on February 25, 2019 and that Mr. Maksymo was on duty for Respondent from 7:00 PM on February 25, 2019 to 7:00 AM on February 26, 2019, which was during the time of the motor vehicle stop.

28. On April 26, 2019, the SARPD filed a police criminal complaint against Anthony Maksymo for violating 75 Pa.C.S. §§ 3334(a), 3802(d)(1)(i) and (iii), and 4302(a)(1) before Magisterial District Judge Kristina Anzini at Docket No. MJ-43201-CR-0000107-2019. The docket sheets related to the criminal complaint are attached as I&E Exhibit 2.

**Violation**

29. That Respondent violated Section 29.507 of the Commission's regulations, 52 Pa. Code § 29.507, when its driver, Anthony Maksymo, operated a vehicle in passenger transportation service while under the influence of a controlled substance.<sup>1</sup> The Bureau of Investigation and Enforcement's proposed penalty for this violation is \$500.

**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 civil penalty of \$500 for the above-described violation and order such other remedy as the Commission may deem appropriate; and
- (b) If payment of the 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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<sup>1</sup> Section 29.501 of the Commission's regulations indicate that Sections 29.501-29.507 apply to drivers of vehicles having a designed seating capacity of 15 passengers or less, including the driver, which are used by common carriers or contract carriers to transport passengers in scheduled route service, call or demand service, group and party service, limousine service, airport transfer service, or paratransit service and experimental service, as defined in § 29.13 (relating to scheme of classification). 52 Pa. Code § 29.501.



(3) the Commission certify Respondent's 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 horizontal flourish 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: November 8, 2019

# **EXHIBIT 1**

**DRIVER TRIP LOG**

**POCONO CAB COMPANY**

**PUC-A-00120050**

**ALL INFORMATION IS TO BE FILLED OUT**

**USE BACK FOR ANY NECESSARY REMARKS**

DATE: Mo: FEB DAY 25 YEAR 2014	TIME IN: 7 AM	START MILEAGE 362279
DRIVER FIRST: TONY LAST: MAKSYMIO	TIME OUT: 7 AM	END MILEAGE
CAR # 10	TTL HRS: 2	TOTAL MILES
DRIVER SIGNATURE Tony MakSYMIO	VIN # OF VEHICLE	

STARTING LOCATION	# OF PASS	TIME	START MILEAGE	DESTINATION	TIME	END MILEAGE	CHG	FARE
1 DUNCAN DONUTS	1	7:49	289	74 A HAWKWOOD	8:00	291	16.50	
2 447 PARK N. RIDE	1	8:14	299	330 EAST SHORE DR	8:30	303	13.25	
3 730 SARAH ST.	2	8:47	309	2022 GORDON RIDGE	9:11	319		21.00
4 201 CLUBHOUSE DR	1	10:09	342	WHITESTONE CARE	10:35	351		32.75
5 PENN EST. GATE	2	10:5	368	SHOP-RITE / STROD	11:33	378		22.00
6 534 MAIN ST.								
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23								

TAB 2

DRIVER TRIP LOG

POCONO CAB COMPANY

PUC-A-00120050

ALL INFORMATION IS TO BE FILLED OUT

USE BACK FOR ANY NECESSARY REMARKS

DATE: Mo: <u>Feb</u> DAY <u>26</u> YEAR <u>2019</u>		TIME IN: <u>8 AM</u>	START MILEAGE <u>307442</u>					
DRIVER FIRST: <u>TONY</u> LAST: <u>MAKSYM</u>		TIME OUT: <u>7 AM</u>	END MILEAGE <u>307602</u>					
CAR # <u>8</u>		TTL HRS: <u>11</u>	TOTAL MILES					
DRIVER SIGNATURE <u>Tony Makym</u>		VIN # OF VEHICLE						
STARTING LOCATION	# OF PASS	TIME	START MILEAGE	DESTINATION	TIME	END MILEAGE	CHG	FARE
1 POCONO MEDICAL	1	8:55	446	609 ROOSEVELT ST	9:05	449	<del>8.75</del>	8.75
2 71 No GREEN ST	1	9:32	454	HAYWARD LADS	9:38	456		7.00
3 MOE'S GRILL	2	10:00	462	114 CATHARINE LN	10:07	466		12.00
4 Golden Living	1	11:06	474	120 ESCOLL DR	11:24	479		14.00
5 SARAH ST GRILL	1	12:44	487	65 No 3 RD ST	12:54	488		9.00
6 RUDY'S PUB	2	2:02	492	733 Hollow RD	2:15	498		15.00
7 210 CREEK RUN	1	3:25	509	209 Park N. RIDE	3:34	516	18.25	
8 36 SEPT. CR.	1	3:45	518	11 11 11	3:52	520		8.00
9 1516 DUNCHURCH	1	4:30	529	11 11 11	4:37	537	21.50	
10 213 RHAPSODY DR	1	5:11	543	DUNCAN DONUTS	5:17	544		6.00
11 189 SPRING LN	1	5:49	551	MARTZ / DWIG	5:58	555		11.00
12 149 HIRO LN.	1	6:15	561	KALAHARI	6:45	581		43.00
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16								
17								
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23								

# **EXHIBIT 2**

# Magisterial District Judge 43-2-01

## DOCKET

Docket Number: MJ-43201-CR-0000107-2019

## Criminal Docket



Commonwealth of Pennsylvania  
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Anthony Maksymo

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### CASE INFORMATION

<u>Judge Assigned:</u>	Magisterial District Judge Kristina Anzini	<u>Issue Date:</u>	04/26/2019
<u>OTN/LOTN:</u>	X 241048-3/X 241048-3	<u>File Date:</u>	04/26/2019
<u>Arresting Agency:</u>	Stroud Area Regional Police Dept	<u>Arrest Date:</u>	
<u>Complaint/Incident #:</u>	20190226M3205	<u>Disposition:</u>	Waived for Court
<u>County:</u>	Monroe	<u>Disposition Date:</u>	06/17/2019
<u>Township:</u>	Stroudsburg Borough	<u>Case Status:</u>	Closed

### STATUS INFORMATION

<u>Case Status</u>	<u>Status Date</u>	<u>Processing Status</u>
Closed	06/25/2019	Case Transferred to Court of Common Pleas
	06/17/2019	Completed
	06/17/2019	Case Balance Due
	06/17/2019	Completed
	04/26/2019	Awaiting Preliminary Hearing

### CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>			<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Start Time</u>	<u>Room</u>		<u>Status</u>
Bail Hearing	06/03/2019	9:00 am		Magisterial District Judge Kristina Anzini	Scheduled
Preliminary Hearing	06/03/2019	9:00 am	Courtroom: MDJ-43-2-01	Magisterial District Judge Kristina Anzini	Continued
Preliminary Hearing	06/17/2019	9:00 am	Courtroom: MDJ-43-2-01	Magisterial District Judge Kristina Anzini	Scheduled
Formal Arraignment	08/07/2019	8:30 am	Courtroom 1	The Honorable Jonathan Mark	Scheduled

### DEFENDANT INFORMATION

<u>Name:</u>	Maksymo, Anthony	<u>Sex:</u>	Male
<u>Date of Birth:</u>	10/04/1962	<u>Race:</u>	White
<u>Address(es):</u>			
<u>Home</u>			
Gilbert, PA 183317748			

Advised of His Right to Apply for Assignment of Counsel?	Yes
Public Defender Requested by the Defendant?	Yes
Application Provided for Appointment of Public Defender?	Yes
Has the Defendant Been Fingerprinted?	Yes

MDJS 1200

Printed: 11/08/2019 1:46 pm

Recent entries made in the court filing offices may not be immediately reflected on these docket sheets. Neither the courts of the Unified Judicial System of the Commonwealth of Pennsylvania nor the Administrative Office of Pennsylvania Courts assumes any liability for inaccurate or delayed data, errors or omissions on these docket sheets. Docket sheet information should not be used in place of a criminal history background check, which can only be provided by the Pennsylvania State Police. Employers who do not comply with the provisions of the Criminal History Record Information Act (18 Pa.C.S. Section 9101 et seq.) may be subject to civil liability as set forth in 18 Pa.C.S. Section 9183.

# Magisterial District Judge 43-2-01

## DOCKET

Docket Number: MJ-43201-CR-0000107-2019

## Criminal Docket



Commonwealth of Pennsylvania  
v.  
Anthony Maksymo

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## CASE PARTICIPANTS

<u>Participant Type</u>	<u>Participant Name</u>
Arresting Officer	Cohen, Steven I.
Defendant	Maksymo, Anthony

## BAIL

<u>Bail Action Type</u>	<u>Bail Action Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Nebbia Status: None</u>
Set	06/03/2019	Unsecured		\$1,000.00	

<u>Bail Posted:</u>	<u>Surety Type</u>	<u>Surety Name</u>	<u>Posting Status</u>	<u>Posted Dt</u>	<u>Security Type</u>	<u>Security Amt</u>
	Self	Maksymo, Anthony 222 Sodl Ln Gilbert, PA 18331-7748	Posted	06/03/2019	Unsecured	\$1,000.00

## Bail Depositor(s):

<u>Depositor Name</u>	<u>Amount</u>
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## CHARGES

<u># Charge</u>	<u>Grade</u>	<u>Description</u>	<u>Offense Dt</u>	<u>Disposition</u>
1 75 § 3802 §§ D1i*	M	DUI: Controlled Substance - Schedule 1 - 1st Offense	02/26/2019	Waived for Court
2 75 § 3802 §§ D1iii*	M	DUI: Controlled Substance - Metabolite - 1st Offense	02/26/2019	Waived for Court
3 75 § 4302 §§ A1	S	Period For Requiring Lighted Lamps	02/26/2019	Waived for Court
4 75 § 3334 §§ A	S	Turning Movements And Required Signals	02/26/2019	Waived for Court

## DISPOSITION/SENTENCING DETAILS

<u>Case Disposition</u>	<u>Disposition Date</u>	<u>Was Defendant Present?</u>
Waived for Court	06/17/2019	Yes

<u>Offense Seq./Description</u>	<u>Offense Disposition</u>
1 DUI: Controlled Substance - Schedule 1 - 1st Offense	Waived for Court
2 DUI: Controlled Substance - Metabolite - 1st Offense	Waived for Court
3 Period For Requiring Lighted Lamps	Waived for Court
4 Turning Movements And Required Signals	Waived for Court

# Magisterial District Judge 43-2-01

## DOCKET

Docket Number: MJ-43201-CR-0000107-2019

## Criminal Docket



Commonwealth of Pennsylvania  
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Anthony Maksymo

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## ATTORNEY INFORMATION

### Assistant District Attorney

Name: Chad A. Martinez, Esq.

Representing: Commonwealth of Pennsylvania

Counsel Status: Active

Supreme Court No.: 065222

Phone No.: 570-517-3052

Address: Monroe County Office of the District Attorney  
610 Monroe St Ste #126  
Stroudsburg, PA 18360

### Public Defender

Name: Frederick Mark Cutaio, Esq.

Representing: Maksymo, Anthony

Counsel Status: Active

Supreme Court No.: 094657

Phone No.: 570-517-3042

Address: Monroe County Public Defender's Office  
610 Monroe Street  
Stroudsburg, PA 18360

### District Attorney

Name: Monroe County District Attorney's Office

Representing: Commonwealth of Pennsylvania

Counsel Status: Inactive

Supreme Court No.:

Phone No.: 570-420-3470

Address: Monroe County Courthouse  
610 Monroe Street  
Stroudsburg, PA 18360

## DOCKET ENTRY INFORMATION

<u>Filed Date</u>	<u>Entry</u>	<u>Filer</u>	<u>Applies To</u>
06/17/2019	Waiver of Preliminary Hearing	Steven I. Cohen	Anthony Maksymo, Defendant
06/17/2019	Waived for Court	Magisterial District Judge Kristina Anzini	Anthony Maksymo, Defendant
06/17/2019	Docket Transcript Printed	Magisterial District Court 43-2-01	Anthony Maksymo, Defendant
05/17/2019	First Class Summons Accepted	Magisterial District Court 43-2-01	Anthony Maksymo, Defendant
05/09/2019	Certified Summons Accepted	Magisterial District Court 43-2-01	Anthony Maksymo, Defendant
04/26/2019	Summons Issued	Magisterial District Court 43-2-01	Anthony Maksymo, Defendant
04/26/2019	Certified Summons Issued	Magisterial District Court 43-2-01	Anthony Maksymo, Defendant
04/26/2019	Criminal Complaint Filed	Magisterial District Court 43-2-01	
04/26/2019	First Class Summons Issued	Magisterial District Court 43-2-01	Anthony Maksymo, Defendant



# Magisterial District Judge 43-2-01

## DOCKET

Docket Number: MJ-43201-CR-0000107-2019

## Criminal Docket



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## CASE FINANCIAL INFORMATION

Case Balance: \$0.00

Next Payment Amt:

Last Payment Amt:

Next Payment Due Date:

	<u>Assessment Amt</u>	<u>Adjustment Amt</u>	<u>Non-Monetary Payment Amt</u>	<u>Payment Amt</u>	<u>Balance</u>
Postage - Case	\$0.80	(\$0.80)	\$0.00	\$0.00	\$0.00
Postage - Case	\$7.10	(\$7.10)	\$0.00	\$0.00	\$0.00

# COURT OF COMMON PLEAS OF MONROE COUNTY

## DOCKET



Docket Number: CP-45-CR-0001526-2019

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

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v.

Anthony Maksymo

### CASE INFORMATION

<u>Judge Assigned:</u> Mark, Jonathan	<u>Date Filed:</u> 06/25/2019	<u>Initiation Date:</u> 04/26/2019
<u>OTN:</u> X 241048-3 <u>LOTN:</u> X 241048-3	<u>Originating Docket No:</u> MJ-43201-CR-0000107-2019	
<u>Initial Issuing Authority:</u> Kristina Anzini	<u>Final Issuing Authority:</u> Kristina Anzini	
<u>Arresting Agency:</u> Stroud Regional Police Dept	<u>Arresting Officer:</u> Cohen, Steven I.	
<u>Complaint/Incident #:</u> 20190226M3205		
<u>Case Local Number Type(s)</u>	<u>Case Local Number(s)</u>	

### STATUS INFORMATION

<u>Case Status:</u> Adjudicated	<u>Status Date:</u>	<u>Processing Status:</u>	<u>Complaint Date:</u> 04/26/2019
	08/30/2019	Awaiting ARD Completion	
	08/30/2019	Awaiting Completion of ARD Program	
	06/25/2019	Awaiting Formal Arraignment	
	06/25/2019	Awaiting Filing of Information	

### CALENDAR EVENTS

<u>Case Calendar</u>	<u>Schedule</u>	<u>Start</u>	<u>Room</u>	<u>Judge Name</u>	<u>Schedule</u>
<u>Event Type</u>	<u>Start Date</u>	<u>Time</u>			<u>Status</u>
Formal Arraignment	08/07/2019	8:30 am	Courtroom 1	Judge Jonathan Mark	Scheduled
ARD Court	08/28/2019	8:30 am	Courtroom 1	Judge Jonathan Mark	Scheduled

### DEFENDANT INFORMATION

Date Of Birth: 10/04/1962      City/State/Zip: Gilbert, PA 18331-7748

### CASE PARTICIPANTS

<u>Participant Type</u>	<u>Name</u>
Defendant	Maksymo, Anthony

### BAIL INFORMATION

**Maksymo, Anthony** **Nebbia Status: None**

<u>Bail Action</u>	<u>Date</u>	<u>Bail Type</u>	<u>Percentage</u>	<u>Amount</u>	<u>Bail Posting Status</u>	<u>Posting Date</u>
Set	06/03/2019	Unsecured		\$1,000.00	Posted	06/03/2019

### CHARGES

<u>Seq.</u>	<u>Orig Seq.</u>	<u>Grade</u>	<u>Statute</u>	<u>Statute Description</u>	<u>Offense Dt.</u>	<u>OTN</u>
1	1	M	75 § 3802 §§ D1I*	DUI: Controlled Substance - Schedule 1 - 1st Offense	02/26/2019	X 241048-3
2	2	M	75 § 3802 §§ D1III*	DUI: Controlled Substance - Metabolite - 1st Offense	02/26/2019	X 241048-3
3	3	S	75 § 4302 §§ A1	Period For Requiring Lighted Lamps	02/26/2019	X 241048-3

# COURT OF COMMON PLEAS OF MONROE COUNTY

## DOCKET



Docket Number: CP-45-CR-0001526-2019

## CRIMINAL DOCKET

Court Case

Commonwealth of Pennsylvania

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v.

Anthony Maksymo

## CHARGES

Seq.	Orig Seq.	Grade	Statute	Statute Description	Offense Dt.	OTN
4	4	S	75 § 3334 §§ A	Turning Movements And Required Signals	02/26/2019	X 241048-3

## DISPOSITION/SENTENCING/PENALTIES

### Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			
<b>Waived for Court (Lower Court)</b>	<b>Defendant Was Present</b>		
Lower Court Disposition	06/17/2019	Not Final	
1 / DUI: Controlled Substance - Schedule 1 - 1st Offense	Waived for Court (Lower Court)	M	75 § 3802 §§ D1i*
2 / DUI: Controlled Substance - Metabolite - 1st Offense	Waived for Court (Lower Court)	M	75 § 3802 §§ D1iii*
3 / Period For Requiring Lighted Lamps	Waived for Court (Lower Court)	S	75 § 4302 §§ A1
4 / Turning Movements And Required Signals	Waived for Court (Lower Court)	S	75 § 3334 §§ A
<b>Proceed to Court</b>	<b>Defendant Was Not Present</b>		
Information Filed	07/17/2019	Not Final	
1 / DUI: Controlled Substance - Schedule 1 - 1st Offense	Proceed to Court	M	75 § 3802 §§ D1i*
2 / DUI: Controlled Substance - Metabolite - 1st Offense	Proceed to Court	M	75 § 3802 §§ D1iii*
3 / Period For Requiring Lighted Lamps	Proceed to Court	S	75 § 4302 §§ A1
4 / Turning Movements And Required Signals	Proceed to Court	S	75 § 3334 §§ A
<b>ARD - County Open</b>			
ARD Court	08/30/2019	Not Final	
1 / DUI: Controlled Substance - Schedule 1 - 1st Offense	ARD - County	M	75 § 3802 §§ D1i*
Mark, Jonathan	08/30/2019		
ARD - DUI	6.00 Months	08/28/2019	
Act 35 of 1991. - Defendant shall pay a \$35.00 per month supervisory fee			
Complete Program - Attend and Successfully Complete			
Comprehensive D&A Assessment - Within 10 days from the date of the order the defendant shall obtain a Comprehensive D&A Assessment from a DDAP licensed provider and shall comply with any and all recommendations for treatment, counseling and therapy.			
Costs - Defendant shall pay the costs of these proceedings.			
DUI Processing Center Fee - Defendant shall submit to the DA's Office a DUI Processing Center Fee of \$35.00 per month.			
License Suspension - Suspension of operator's license for a period of 60 days			
Pay Laboratory Testing Fees - Pay any laboratory testing fees such as, but not limited to blood testing, drug and alcohol testing.			

# COURT OF COMMON PLEAS OF MONROE COUNTY

## DOCKET



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**CRIMINAL DOCKET**

Court Case

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v.  
Anthony Maksymo

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## DISPOSITION/SENTENCING/PENALTIES

Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			
Pay Offender Supervision Fund - Defendant shall pay to the Offender Supervision Fund a fee of \$210.00 forthwith. Pay costs criminal prosecution - Defendant shall pay the costs of criminal prosecution Restitution - Defendant shall pay restitution To Appear at MC Probation Dept. - Defendant is directed to appear at the MC Probation Dept. on 09-4-19 8:30AM			
2 / DUI: Controlled Substance - Metabolite - 1st Offense	ARD - County	M	75 § 3802 §§ D1iii*
Mark, Jonathan	08/30/2019		
ARD - DUI	6.00 Months		08/28/2019
Act 35 of 1991 - Defendant shall pay a \$35.00 per month supervisory fee Complete Program - Attend and Successfully Complete Comprehensive D&A Assessment - Within 10 days from the date of the order the defendant shall obtain a Comprehensive D&A Assessment from a DDAP licensed provider and shall comply with any and all recommendations for treatment, counseling and therapy. Costs - Defendant shall pay the costs of these proceedings. DUI Processing Center Fee - Defendant shall submit to the DA's Office a DUI Processing Center Fee of \$35.00 per month. License Suspension - Suspension of operator's license for a period of 60 days Pay Laboratory Testing Fees - Pay any laboratory testing fees such as, but not limited to blood testing, drug and alcohol testing. Pay Offender Supervision Fund - Defendant shall pay to the Offender Supervision Fund a fee of \$210.00 forthwith. Pay costs criminal prosecution - Defendant shall pay the costs of criminal prosecution Restitution - Defendant shall pay restitution To Appear at MC Probation Dept. - Defendant is directed to appear at the MC Probation Dept. on 09-4-19 8:30AM			
3 / Period For Requiring Lighted Lamps	ARD - County	S	75 § 4302 §§ A1
Mark, Jonathan	08/30/2019		
ARD - DUI	6.00 Months		08/28/2019
Act 35 of 1991 - Defendant shall pay a \$35.00 per month supervisory fee Complete Program - Attend and Successfully Complete Comprehensive D&A Assessment - Within 10 days from the date of the order the defendant shall obtain a Comprehensive D&A Assessment from a DDAP licensed provider and shall comply with any and all recommendations for treatment, counseling and therapy. Costs - Defendant shall pay the costs of these proceedings.			

# COURT OF COMMON PLEAS OF MONROE COUNTY

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## DISPOSITION SENTENCING/PENALTIES

Disposition

<u>Case Event</u>	<u>Disposition Date</u>	<u>Final Disposition</u>	
<u>Sequence/Description</u>	<u>Offense Disposition</u>	<u>Grade</u>	<u>Section</u>
<u>Sentencing Judge</u>	<u>Sentence Date</u>	<u>Credit For Time Served</u>	
<u>Sentence/Diversion Program Type</u>	<u>Incarceration/Diversionary Period</u>	<u>Start Date</u>	
<u>Sentence Conditions</u>			
DUI Processing Center Fee - Defendant shall submit to the DA's Office a DUI Processing Center Fee of \$35.00 per month. License Suspension - Suspension of operator's license for a period of 60 days Pay Laboratory Testing Fees - Pay any laboratory testing fees such as, but not limited to blood testing, drug and alcohol testing. Pay Offender Supervision Fund - Defendant shall pay to the Offender Supervision Fund a fee of \$210.00 forthwith. Pay costs criminal prosecution - Defendant shall pay the costs of criminal prosecution Restitution - Defendant shall pay restitution To Appear at MC Probation Dept. - Defendant is directed to appear at the MC Probation Dept. on 09-4-19 8:30AM			
4 / Turning Movements And Required Signals	ARD - County	S	75 § 3334 §§ A
Mark, Jonathan	08/30/2019		
ARD - DUI	6.00 Months		08/28/2019
Act 35 of 1991 - Defendant shall pay a \$35.00 per month supervisory fee Complete Program - Attend and Successfully Complete Comprehensive D&A Assessment - Within 10 days from the date of the order the defendant shall obtain a Comprehensive D&A Assessment from a DDAP licensed provider and shall comply with any and all recommendations for treatment, counseling and therapy. Costs - Defendant shall pay the costs of these proceedings. DUI Processing Center Fee - Defendant shall submit to the DA's Office a DUI Processing Center Fee of \$35.00 per month. License Suspension - Suspension of operator's license for a period of 60 days Pay Laboratory Testing Fees - Pay any laboratory testing fees such as, but not limited to blood testing, drug and alcohol testing. Pay Offender Supervision Fund - Defendant shall pay to the Offender Supervision Fund a fee of \$210.00 forthwith. Pay costs criminal prosecution - Defendant shall pay the costs of criminal prosecution Restitution - Defendant shall pay restitution To Appear at MC Probation Dept. - Defendant is directed to appear at the MC Probation Dept. on 09-4-19 8:30AM			

# COURT OF COMMON PLEAS OF MONROE COUNTY

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**COMMONWEALTH INFORMATION**

**Name:** Chad A. Martinez  
District Attorney  
**Supreme Court No:** 065222  
**Phone Number(s):**  
570-517-3117 (Phone)  
**Address:**  
Monroe County Da's Ofc  
610 Monroe St  
Stroudsburg, PA 18360-2272

**Name:** Monroe County District Attorney's  
Office  
District Attorney

**Supreme Court No:**  
**Phone Number(s):**  
570-517-3052 (Phone)  
**Address:**  
Monroe County Courthouse  
7th & Monroe Streets  
Stroudsburg, PA 18360

**ATTORNEY INFORMATION**

**Name:** Frederick Mark Cutaio  
Public Defender  
**Supreme Court No:** 094657  
**Rep. Status:** Active  
**Phone Number(s):**  
570-517-3042 (Phone)

**Address:**  
Monroe County Courthouse  
610 Monroe St Ste 21  
Stroudsburg, PA 18360

Representing: Maksymo, Anthony

**ENTRIES**

Sequence Number	CP Filed Date	Document Date	Filed By
1	06/03/2019		Anzini, Kristina
Bail Set - Maksymo, Anthony			
2	06/03/2019		Maksymo, Anthony
Bail Posted - Maksymo, Anthony			
Cutaio, Frederick Mark			
	06/26/2019	eService	Served
Martinez, Chad A.			
	06/26/2019	eService	Served
Monroe County District Attorney's Office			
	06/26/2019	eService	Served
1	06/25/2019		Cohen, Steven J.
Confidential Information Form			
Martinez, Chad A.			
	06/26/2019	eService	Served
2	06/25/2019		Court of Common Pleas - Monroe County
Original Papers Received from Lower Court			

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## ENTRIES

Sequence Number	CP Filed Date	Document Date	Filed By
<u>Service To</u>	<u>Service By</u>		
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Martinez, Chad A. 06/25/2019	eService		Served
<hr/>			
1	07/09/2019		Monroe County District Attorney's Office
PSP Forensic Lab Fees			
Cutaio, Frederick Mark 07/10/2019	eService		Served
Martinez, Chad A. 07/10/2019	eService		Served
<hr/>			
2	07/09/2019		Monroe County District Attorney's Office
PSP Forensic Lab Fees			
Cutaio, Frederick Mark 07/10/2019	eService		Served
Martinez, Chad A. 07/10/2019	eService		Served
<hr/>			
1	07/17/2019		Christine, E. David
Information Filed			
Cutaio, Frederick Mark 07/17/2019	eService		Served
Martinez, Chad A. 07/17/2019	eService		Served
Monroe County District Attorney's Office 07/17/2019	eService		Served
<hr/>			
1	08/08/2019	08/07/2019	Mark, Jonathan
Order- ARD Hearing Continued to 8/28/19 8:30AM CR#1			
Cutaio, Frederick Mark 08/08/2019	eService		Served
Martinez, Chad A. 08/08/2019	eService		Served
Monroe County Court Administration 08/08/2019	Clerk of Court's Boxes		
Monroe County District Attorney's Office 08/08/2019	Clerk of Court's Boxes		

# COURT OF COMMON PLEAS OF MONROE COUNTY

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## ENTRIES

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
<u>Service To</u>	<u>Service By</u>		
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
Monroe County District Attorney's Office 08/08/2019	eService		Served
Monroe County Public Defender's Office 08/08/2019	Clerk of Court's Boxes		
1	08/30/2019		Mark, Jonathan
Order Granting Motion to Admit Defendant into ARD Program			
Monroe County District Attorney's Office 08/30/2019	Clerk of Court's Boxes		
Monroe County Probation 08/30/2019	Clerk of Court's Boxes		
Monroe County Public Defender's Office 08/30/2019	Clerk of Court's Boxes		
Cutaio, Frederick Mark 09/04/2019	eService		Served
Martinez, Chad A. 09/04/2019	eService		Served
Monroe County District Attorney's Office 09/04/2019	eService		Served
2	08/30/2019		Mark, Jonathan
ARD Penalties Imposed			
Cutaio, Frederick Mark 09/04/2019	eService		Served
Martinez, Chad A. 09/04/2019	eService		Served
Monroe County District Attorney's Office 09/04/2019	eService		Served
1	09/04/2019		Warden, George J.
DL-21A to be Prepared			
2	09/04/2019		Court of Common Pleas - Monroe County
Penalty Assessed			
Cutaio, Frederick Mark 09/04/2019	eService		Served
Martinez, Chad A.			



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**ENTRIES**

<u>Sequence Number</u>	<u>CP Filed Date</u>	<u>Document Date</u>	<u>Filed By</u>
<u>Service To</u>		<u>Service By</u>	
<u>Issue Date</u>	<u>Service Type</u>	<u>Status Date</u>	<u>Service Status</u>
09/04/2019	eService		Served
Monroe County District Attorney's Office			
09/04/2019	eService		Served
-----			
3	09/04/2019		Court of Common Pleas - Monroe County
Itemized Account of Fines, Costs, Fees and Restitution			
Cutaio, Frederick Mark			
09/04/2019	eService		Served
Martinez, Chad A.			
09/04/2019	eService		Served
Monroe County District Attorney's Office			
09/04/2019	eService		Served
-----			
4	09/04/2019		Court of Common Pleas - Monroe County
Entry of Civil Judgment 8275 CV 2019			
Cutaio, Frederick Mark			
09/04/2019	eService		Served
Martinez, Chad A.			
09/04/2019	eService		Served
Monroe County District Attorney's Office			
09/04/2019	eService		Served
-----			
5	09/04/2019		Warden, George J.
DL-21A was prepared			
-----			
1	09/05/2019		Unknown Filer
DL-21A Sent to PennDOT			
-----			

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### CASE FINANCIAL INFORMATION

Last Payment Date: 09/04/2019

Total of Last Payment: -\$100.00

Maksymo, Anthony Defendant	<u>Assessment</u>	<u>Payments</u>	<u>Adjustments</u>	<u>Non Monetary Payments</u>	<u>Total</u>
<b>Costs/Fees</b>					
Postage (Monroe)	\$0.80	\$0.00	\$0.00	\$0.00	\$0.80
Postage (Monroe)	\$7.10	\$0.00	\$0.00	\$0.00	\$7.10
District Attorney Digital Forensics Fee (Monroe)	\$134.00	\$0.00	\$0.00	\$0.00	\$134.00
District Attorney Digital Forensics Fee (Monroe)	\$225.00	\$0.00	\$0.00	\$0.00	\$225.00
ATJ	\$6.00	(\$6.00)	\$0.00	\$0.00	\$0.00
Automation Fee (Monroe)	\$5.00	(\$5.00)	\$0.00	\$0.00	\$0.00
Booking Center Fee (Monroe)	\$300.00	\$0.00	\$0.00	\$0.00	\$300.00
CJES	\$2.50	(\$2.50)	\$0.00	\$0.00	\$0.00
Commonwealth Cost - HB627 (Act 167 of 1992)	\$10.80	\$0.00	\$0.00	\$0.00	\$10.80
Costs of Prosecution - CJEA	\$50.00	\$0.00	\$0.00	\$0.00	\$50.00
County Court Cost (Act 204 of 1976)	\$35.10	\$0.00	\$0.00	\$0.00	\$35.10
Crime Victims Compensation (Act 96 of 1984)	\$35.00	(\$35.00)	\$0.00	\$0.00	\$0.00
DUI - ARD - EMS Fee	\$25.00	\$0.00	\$0.00	\$0.00	\$25.00
Firearm Education and Training Fund	\$5.00	\$0.00	\$0.00	\$0.00	\$5.00
JCPS	\$21.25	(\$21.25)	\$0.00	\$0.00	\$0.00
Judicial Computer Project	\$8.00	(\$0.25)	\$0.00	\$0.00	\$7.75
OAG - JCP	\$2.50	\$0.00	\$0.00	\$0.00	\$2.50
PA Transportation Trust Surcharge	\$75.00	\$0.00	\$0.00	\$0.00	\$75.00
State Court Costs (Act 204 of 1976)	\$12.60	\$0.00	\$0.00	\$0.00	\$12.60
Victim Witness Service (Act 111 of 1998)	\$25.00	(\$25.00)	\$0.00	\$0.00	\$0.00
ARD Processing (Monroe)	\$200.00	\$0.00	\$10.00	\$0.00	\$210.00
OSP (Monroe/State) (Act 35 of 1991)	\$105.00	\$0.00	\$0.00	\$0.00	\$105.00
OSP (Monroe/State) (Act 35 of 1991)	\$105.00	\$0.00	\$0.00	\$0.00	\$105.00
DL Certified Copy Fee (Monroe)	\$5.00	(\$5.00)	\$0.00	\$0.00	\$0.00
Judgment Fee (Monroe)	\$75.25	\$0.00	\$0.00	\$0.00	\$75.25
<b>Costs/Fees Totals:</b>	<b>\$1,475.90</b>	<b>(\$100.00)</b>	<b>\$10.00</b>	<b>\$0.00</b>	<b>\$1,385.90</b>
<b>Grand Totals:</b>	<b>\$1,475.90</b>	<b>(\$100.00)</b>	<b>\$10.00</b>	<b>\$0.00</b>	<b>\$1,385.90</b>

\*\* - Indicates assessment is subrogated

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement

v.

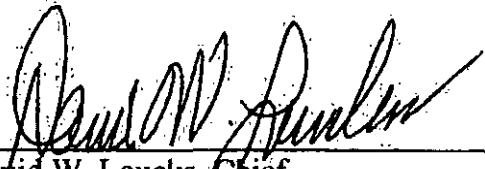
Pocono Cab Company LLC  
t/a Pocono Cab Company

Docket No. C-2019-3009656

### VERIFICATION

I, David W. Loucks, Chief of Motor Carrier Enforcement, Bureau of Investigation and Enforcement, 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: November 8, 2019



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David W. Loucks, Chief  
Motor Carrier Enforcement  
Bureau of Investigation and Enforcement  
Pennsylvania Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement

v.

Pocono Cab Company LLC  
t/a Pocono Cab

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: Docket No. C-2019-3009656  
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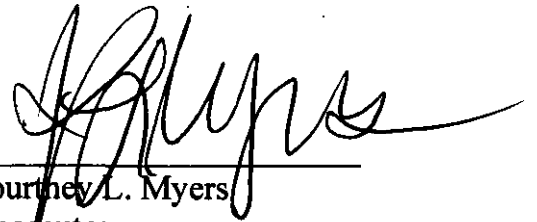
### CERTIFICATE OF SERVICE

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 and Electronic Mail:

Craig A. Doll, Esquire  
25 West Second Street  
P.O. Box 403  
Hummelstown, PA 17036-0403  
[cdoll76342@aol.com](mailto:cdoll76342@aol.com)

*Counsel for Pocono Cab Company LLC*



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: November 8, 2019