

GRAIG A. DOLL

ATTORNEY AT LAW
25 WEST SECOND STREET
P.O. Box 403
HUMMELSTOWN, PENNSYLVANIA 17036-0403
717/566-9000 FAX 717/566-9901
E-MAIL CDOLL76342@AOL.COM

Direct Dial 717-580-7748

November 27, 2019

Via eFiling and Email

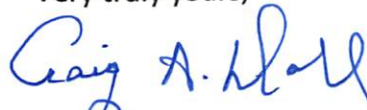
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: **PUC v. Pocono Cab Company, LLC**
C-2019-3009656
Answer to Amended Complaint

Dear Secretary Chiavetta:

Appended hereto is the Answer of Pocono Cab Company, LLC to the Amended Complaint filed by the Bureau of Investigation and Enforcement 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 Amended 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.	:	Commission Docket No. C-2019-3009656
Pocono Cab Company, LLC	:	
t/a Pocono Cab	:	

**ANSWER OF RESPONDENT
POCONO CAB COMPANY
TO AMENDED COMPLAINT**

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 files this Answer to the Amended 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. Denied as stated. Respondent believes and therefore states that while the Pennsylvania Public Utility Commission (Commission”) possesses jurisdiction to regulate certain activities of public utilities that subject matter jurisdiction does not encompass all activities of a regulated entity. Respondent does admit that the Commission has delegated whatever authority it may have to initiate enforcement actions to the Bureau.
3. Admitted.
4. Admitted.

5. Admitted

6. Admitted.

7. To the extent the Commission possesses the legal authority to undertake certain enforcement actions; the statements contained in this paragraph are admitted.

8. Denied as stated. It is admitted that the Commission possess the authority to hold hearings regarding complaints. By way of further answer, Respondent states that the Commission possesses no legal authority to impose civil liability in the form of a civil penalty upon a Respondent for alleged criminal activities by an independent contractor without the knowledge or approval of a Respondent and in contravention of the policies of a public utility.

9. Admitted in part. It is admitted that the Commission may impose civil penalties upon a utility for certain actions undertaken by the utility. It is denied that the Commission possesses the legal authority to impose a civil penalty upon a Respondent for alleged criminal activities by an independent contractor without the knowledge or approval of a Respondent and in contravention of the policies of a public utility.

10. Admitted in part, denied in part. It is admitted that Respondent is subject to the duly authorized statutorily approved authority of the Commission. It is admitted that a public utility is required to abide by all lawful regulations of the Commission in those areas over which the Commission has subject matter jurisdiction.

11. Denied. It is denied that the Commission possesses subject matter jurisdiction over the allegations contained in this complaint.

12. Denied. The facts alleged in this paragraph are in the exclusive control of parties or witnesses other than Respondent. Respondent has insufficient information to form a belief as

to the truth or accuracy of the averments contained in this paragraph. Therefore they are denied, strict proof being demanded at trial.

13. Denied. The facts alleged in this paragraph are in the exclusive control of parties or witnesses other than Respondent. Respondent has insufficient information to form a belief as to the truth or accuracy of the averments contained in this paragraph. Therefore they are denied, strict proof being demanded at trial.

14. Admitted.

15. Denied. The facts alleged in this paragraph are in the exclusive control of parties or witnesses other than Respondent. Respondent has insufficient information to form a belief as to the truth or accuracy of the averments contained in this paragraph. Therefore they are denied, strict proof being demanded at trial.

16. Denied. The facts alleged in this paragraph are in the exclusive control of parties or witnesses other than Respondent. Respondent has insufficient information to form a belief as to the truth or accuracy of the averments contained in this paragraph. Therefore they are denied, strict proof being demanded at trial.

17. Denied as stated. While Mr. Maksymo was in possession of the vehicle in question as an independent contractor, log sheets indicate that Mr. Maksymo was not performing any transportation of passengers at the time of alleged incident.

18. Denied. The facts alleged in this paragraph are in the exclusive control of parties or witnesses other than Respondent. Respondent has insufficient information to form a belief as to the truth or accuracy of the averments contained in this paragraph. Therefore they are denied, strict proof being demanded at trial.

19. Denied. The facts alleged in this paragraph are in the exclusive control of parties or witnesses other than Respondent. Respondent has insufficient information to form a belief as to the truth or accuracy of the averments contained in this paragraph. Therefore they are denied, strict proof being demanded at trial.

20. Denied. The facts alleged in this paragraph are in the exclusive control of parties or witnesses other than Respondent. Respondent has insufficient information to form a belief as to the truth or accuracy of the averments contained in this paragraph. Therefore they are denied, strict proof being demanded at trial.

21. Denied. The facts alleged in this paragraph are in the exclusive control of parties or witnesses other than Respondent. Respondent has insufficient information to form a belief as to the truth or accuracy of the averments contained in this paragraph. Therefore they are denied, strict proof being demanded at trial.

22. Denied. The facts alleged in this paragraph are in the exclusive control of parties or witnesses other than Respondent. Respondent has insufficient information to form a belief as to the truth or accuracy of the averments contained in this paragraph. Therefore they are denied, strict proof being demanded at trial.

23. Denied. The facts alleged in this paragraph are in the exclusive control of parties or witnesses other than Respondent. Respondent has insufficient information to form a belief as to the truth or accuracy of the averments contained in this paragraph. Therefore they are denied, strict proof being demanded at trial.

24. Denied. The facts alleged in this paragraph are in the exclusive control of parties or witnesses other than Respondent. Respondent has insufficient information to form a belief as

to the truth or accuracy of the averments contained in this paragraph. Therefore they are denied, strict proof being demanded at trial.

25. Denied. The facts alleged in this paragraph are in the exclusive control of parties or witnesses other than Respondent. Respondent has insufficient information to form a belief as to the truth or accuracy of the averments contained in this paragraph. Therefore they are denied, strict proof being demanded at trial.

26. Admitted.

27. Admitted in part, denied in part. It is admitted that Mr. Maksymo was performing services as an independent contractor for Respondent. It is denied that Mr. Maksymo was transporting passengers at the time of the alleged incident.

28. Denied. The facts alleged in this paragraph are in the exclusive control of parties or witnesses other than Respondent. Respondent has insufficient information to form a belief as to the truth or accuracy of the averments contained in this paragraph. Therefore they are denied, strict proof being demanded at trial.

29. Denied. The statements contained in this paragraph constitute conclusions of law which need not be admitted or denied. To the extent that an answer is deemed necessary, the averments of this paragraph are specifically denied.

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

Respectfully submitted,



Craig A. Doll, Esquire
25 West Second Street
P.O. Box 403
Hummelstown, PA 17036-0403

(717) 566-9000
(717) 580-7748 (direct dial)
Cdoll76342@aol.com

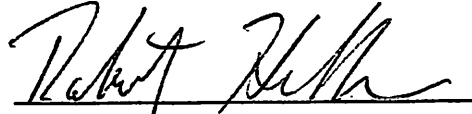
Attorney I.D. # 22814

Attorney for Pocono Cab Company,
LLC

Dated: November 27, 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 26 day of November, 2019


Notary Public