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February 6, 2020

Secretary Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA.17105-3264

**Re: Application of Metro Transportation, LLC
Docket No. A-2019-3011470**

**Yourway Taxi & Limo, Inc. v. Metro Transportation, LLC
Docket No. C-2019-3013829**

**Motion of Metro Transportation, LLC for Waiver of Time Limitations in 52
Pa. Code §§5.61 and 5.101**

Dear Secretary Chiavetta:

Appended hereto is the Motion of Metro Transportation, LLC (“Metro”) for waiver of the time limitations contained in 52 Pa. Code §§5.61 and 5.101. If you have any questions, please feel free to call.

Very truly yours,

REGER RIZZO & DARNALL LLP



Craig A. Doll, Esquire
Debra L. Roscioli, Esquire

CAD/dim
Enclosures
cc: Metro Transportation, LLC
Per certificate of service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Metro Transportation LLC	:	
For Approval to Expand Its Territory As A	:	A-2019-3011470
Small Passenger Carrier In The	:	
Commonwealth of Pennsylvania	:	
Yourway Taxi and Limo, Inc.	:	
	:	C-2019-3013829
	:	
v.	:	
	:	
	:	
Metro Transportation, LLC	:	

NOTICE TO PLEAD

The attached Motion for Waiver of the Provisions of 52 Pa. Code §§ 5.61 and 5.101 has been filed with the Pennsylvania Public Utility Commission in the above captioned proceeding. If you wish to respond to the Motion, you must, pursuant to the provisions of 52 Pa. Code §5.342(g)(1) take action within twenty (20) days after this Motion is served by filing a response with the Secretary of the Pennsylvania Public Utility Commission and serving a copy of that response upon all parties of record. You are warned that if you fail to do so the case may proceed without you and an order or a judgment may be entered against you by the Commission without further notice.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Metro Transportation LLC	:	
For Approval to Expand Its Territory As A	:	A-2019-3011470
Small Passenger Carrier In The	:	
Commonwealth of Pennsylvania	:	
Yourway Taxi and Limo, Inc.	:	
	:	C-2019-3013829
v.	:	
	:	
	:	
Metro Transportation, LLC	:	

**MOTION FOR WAIVER OF THE PROVISIONS OF
52 PA. CODE §§ 5.61 AND 5.101**

To the Honorable Joel H. Cheskis, Deputy Chief Administrative Law Judge:

NOW COMES, Metro Transportation, LLC (“Metro”) by and through its undersigned counsel, pursuant to the provisions of 52 Pa. Code § 5.103, and requests that Your Honor waive the time limitations for the filing of an Answer [52 Pa. Code § 5.61(a)] or Preliminary Objections [52 Pa. Code §5.101(d)]. In support of this Motion, Metro states as follows:

1. On or about July 8, 2019, Metro filed an application with the Commission seeking to expand its existing call and demand service territory into additional portions of Lehigh in addition to Northampton, Bucks, Schuylkill, Carbon, and Monroe Counties. A-2019-3011470.
2. Notice of the application was published in the July 27, 2019 Pennsylvania Bulletin. 49 Pa. B. 3989.
3. On or about August 12, 2019, Yourway Taxi and Limo, Inc. (“Yourway”) filed a protest to the application.
4. On October 18, 2019, Yourway, through its counsel, file a formal complaint against Metro. C-2019-3013829.

5. By Prehearing Order dated November 6, 2019, Your Honor informed Metro that Commission regulations required it to be represented by counsel in both Commission proceedings.

6. On December 2, 2019, a Notice of Appearance was filed indicating the appearance of Reger, Rizzo, and Darnall on behalf of Metro.

7. Pursuant to Commission regulations, Preliminary Objections to "...a pleading except motions and prior Preliminary Objections..." must be filed within 20 days of the applicable pleading. 52 Pa. Code §5.101(d). Similarly, 52 Pa. Code §5.61(a) provides that answers to complaints must be filed within 20 days after the date of service of the complaint.

8. Preliminary Objections to the Protest were due September 2, 2019¹; Preliminary Objections and/or an answer to the Complaint were due November 7, 2019, at least one month prior to counsel having been retained by Metro.

9. 52 Pa. Code §5.61(c) provides that the failure to file an Answer renders the respondent in default with all relevant alleged facts being admitted. As such, Metro would not be able to present any defense to those allegations at any hearing in the Complaint.

10. It has been the practice of this Commission to grant leeway to individuals who may not be familiar with the procedural requirements of Commission proceedings.

11. Your Honor possesses the express authority to waive the 20 day period to file an Answer and Preliminary Objections, 52 Pa. Code §5.61(a) which provides in part:

(a) *Time for filing.* Unless a different time is prescribed by ... the presiding officer, answers to complaints and petitions shall be filed with the Commission within 20 days after the date of service.

12. Preliminary Objections must be filed within the same 20 days provided for in 52 Pa. Code §5.61. 52 Pa. Code §5.101(d).

13. Metro is of the opinion that Yourway, lacks the standing to file the Complaint in that it is not a customer of Metro; is advancing no recognizable interest in the subject matter alleged other than the general interest of the public as a private attorney general; and seeks as

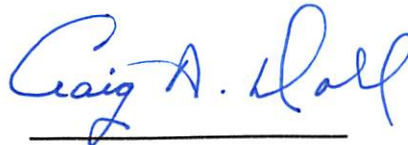
¹ Typically no answer is required to the filing of a protest. Preliminary Objections are available.

evidenced by its prayer for relief the Commission to take action which is more properly the subject of a mandamus action. See, 52 Pa Code 5.101(a)(5) and (7).

14. Unless the time periods are waived and Metro is provided with the opportunity to deny the allegations; plead an affirmative defense or raise the standing issue, Metro will have been effectively denied its due process rights and ability to defend itself.

WHEREFORE, Metro Transportation, LLC respectfully requests that Your Honor waive the 20 day time limitation for the filing of an Answer or Preliminary Objections and grant it the ability to file an Answer or Preliminary Objections to the above consolidate proceedings at least 20 days after the date of service of an Order disposing of this Motion.

Respectfully Submitted,



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Attorney I.D. # 22814

Attorney for Metro Transportation, LLC

Dated: February 6, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Metro Transportation, LLC	:	
	:	Docket No. A-2019-3011470
Yourway Taxi and Limo, Inc.	:	
v.	:	Docket No. C-2019-3013829
Metro Transportation, LLC	:	

CERTIFICATE OF SERVICE

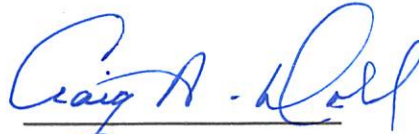
I hereby certify that I have this date served a copy of the Motion of Metro Transportation, LLC upon the persons listed below via E-filing and/or email in accordance with the provisions of 52 Pa. Code §1.54.

Via E-filing

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

Via e-mail

Richard T. Mulcahey, Esquire
Schubert, Gallagher, Tyler, Mulcahey
121 South Broad Street, 20th Floor
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Attorney I.D. # 22814

Attorney for Metro Transportation, LLC

Dated: February 6, 2020