

CRAIG A. DOLL

ATTORNEY AT LAW
25 WEST SECOND STREET
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August 10, 2020

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P.O. Box 2365
Harrisburg, PA 17105-3265

Re: Application of Reading Checker Cabs, LLC
A-2020-3020872

Dear Secretary Chiavetta:

Enclosed is the original Protest of Super Cab, Inc. in the above captioned matter which was e-Filed this date. A copy of this Protest has been served upon the Applicant as set forth on the attached Certificate of Service.

Very truly yours,


Craig A. Doll

Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Reading Checker Cabs, LLC :
for approval to provide taxi service :
between points in Berks, Lebanon, : Commission Docket No. A-2020-3020872
Schuylkill, Dauphin, and Luzerne Counties :

**PROTEST OF
SUPER CAB, INC.**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Super Cab, Inc. ("Super Cab"), by and through its undersigned counsel, and pursuant to the provisions of 52 Pa. Code §§ 3.381(c) and 5.51, hereby files this Protest to the application of Reading Checker Cabs, LLC ("Reading" or "Applicant") for the authority to provide call or demand (taxi) service in the Counties of Berks, Dauphin, Lebanon, Luzerne and Schuylkill. Super Cab respectfully requests that this Commission deny the instant application. In support of this protest and requested relief, Super Cab states as follows:

1. The name and business address of Super Cab are:

Super Cab, Inc.
28 East Cumberland Street
Lebanon, PA 17042

2. Super Cab's attorney for purposes of this proceeding is:

Craig A. Doll, Esquire
25 West Second Street
P.O. Box 403
Hummelstown, PA 17036-0403
(717) 580-7748 (Direct Dial)
Attorney I.D. #22814
CDoll76342@aol.com

3. Super Cab is a certificated carrier, authorized to provide, *inter alia*, call or demand service between points in the County of Lebanon pursuant to various Commission Orders. A copy of those Commission Orders granting Super Cab the authority to operate in an area which conflicts with that sought by Applicant herein are appended hereto and made a part hereof as Exhibit "A".

4. On or about July 17, 2020, Applicant filed an application with the Commission seeking a Certificate of Public Convenience to permit it to provide call or demand service between points in Berks, Lebanon, Schuylkill, Dauphin and Luzerne Counties.

5. Notice of the filing was published in the *Pennsylvania Bulletin*, Vol. 50, page 3998, on August 1, 2020. According to the Notice, protests to this application are due on or before August 17, 2020. This Protest is filed in response to that Notice.

6. This Commission has recognized that the controlling principle relating to standing in this type of proceeding is whether a protestant has some operating authority in actual or potential conflict with the authority sought by an applicant. *Application of Premium Taxi, LLC*, A-00121698 (August 25, 2006); *Application of Unique Limousine Services, Inc.*, A-0104709, F. 2, Am-A (March 7, 2006). The service territory sought by Applicant overlaps that of Super Cab. As a current certificate holder in the territory which is the subject of this application, Super Cab possesses the requisite standing to file this Protest.

7. The information attached to its application does not indicate the number or type of vehicles to be used in providing the service in a five county area, nor how Applicant intends to acquire such vehicles, has failed to set forth the number of employees (i.e. drivers, dispatchers), the experience of Applicant in operating any business, or its ability to secure insurance for any

vehicles it may purchase. Applicant has not attached projected revenue and expense statement, or any other financial information which would indicate Applicant's financial fitness to provide the proposed service particularly in such an expansive service territory. In the absence of any financial information, it is impossible for the Commission to ascertain whether Applicant possesses the requisite financial fitness to render the proposed service. Accordingly, Super Cab believes and therefore avers that Applicant does not possess the necessary technical or financial fitness to provide the proposed service.

8. Approval of the application will be prejudicial to Yellow Cab since it would authorize additional unnecessary, destructive, and harmful competition into the area to the ultimate detriment to the traveling public by permitting operations by an unqualified individual.

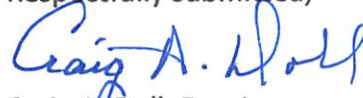
9. Approval of the application will be prejudicial to Super Cab since it would authorize additional unnecessary, destructive, and harmful competition into the area with the resulting loss of revenue to Super Cab and to the ultimate detriment to the traveling public by permitting operations by an unqualified individual.

10. Super Cab will withdraw this Protest if Applicant restricts its application so as to prohibit the transporting of passengers to, from, or between points in Lebanon County.

11. Super Cab hereby requests that Applicant furnish it with a list of witnesses that are prepared to testify on Applicant's behalf.

WHEREFORE, Super Cab, Inc. respectfully requests that this Honorable Commission deny the application of Reading Checker Cabs, LLC.

Respectfully submitted,



Craig A. Doll, Esquire
25 West Second Street
P.O. Box 403
Hummelstown, PA 17036-0403
(717) 580-7748 (Direct Dial)
cdoll76342@aol.com

Attorney I.D. # 22814
Attorney for Super Cab, Inc.

DATED: August 10, 2020

Attorney's Certificate

Craig A. Doll, Esquire, Attorney for Super Cab, Inc., does hereby verify that he has been relayed the information contained in the foregoing document; has become acquainted with the facts and information set forth in the document; and that the same are true and correct to the best of his knowledge, information and belief. The foregoing verification is made subject to the penalties of 18 Pa. C.S. §4904.



Craig A. Doll, Esquire

Dated: August 10, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

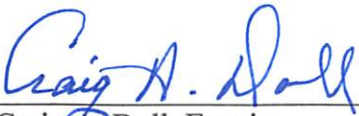
Application of Reading Checker Cabs, LLC :
for approval to provide taxi service :
between points in Berks, Lebanon, : Commission Docket No. A-2020-3020872
Schuylkill, Dauphin, and Luzerne Counties :

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the Protest of Super Cab, Inc. to the Application of Reading Checker Cabs, LLC upon the persons listed below via first class mail, postage prepaid in accordance with the provisions of 52 Pa. Code §1.54

First Class Mail

Rajat Sharma
Reading Checker Cabs, LLC
615 Elm Street, Unit 2
Reading, PA 19601



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

(717) 580-7748 (Direct line)

Cdoll76342@aol.com

Attorney for Protestant
Super Cab, Inc.

DATED: August 10, 2020

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Prepared By
Steno
Form Check
Record Check
Examined and Approved

Public Meeting held December 23, 1975
Harrisburg, Pennsylvania 17120

COMMISSIONERS PRESENT:

Chairman Carter
Commissioner Kelly
Commissioner Bloom
Commissioner O'Bannon
Commissioner Johnson

Application Docket No. 99450, Folder 1—Application of SUPER CAB, INC., a corporation of the Commonwealth of Pennsylvania

REPORT AND ORDER
APPROVING SERVICE AS A MOTOR CARRIER

BY THE COMMISSION:

This matter being before the Pennsylvania Public Utility Commission upon application of SUPER CAB, INC., a corporation of the Commonwealth of Pennsylvania, dated July 1, 1975, to operate motor vehicles as a common carrier, and having been duly heard and submitted by the parties and full investigation of the matters and things involved having been had, and it appearing that the rights granted herein are in effect a transfer of the rights which have been held by GREGORY L. MARGUT, trading and doing business as SUPER CAB, under report and order issued at A. 97179, Folder 1 on July 11, 1972 and the certificate of public convenience issued thereunder, which certificate will be subsequently cancelled, as of the date of this order, upon compliance with the tariff and insurance requirements of the Commission by SUPER CAB, INC., a corporation of the Commonwealth of Pennsylvania, the Commission finds and determines that approval of the application, limited to the following rights:

1. To transport, as a common carrier, by motor vehicle, persons upon call or demand in the city of Lebanon, Lebanon County.
2. To transport, as a common carrier, by motor vehicle, persons upon call or demand in the boroughs of Cornwall, Gleason, Jonestown, Myerstown and Mount Gretna and the townships of Annville, North Annville, South Annville, North Cornwall, West Cornwall, South Lebanon, Heidelberg, Jackson, Bethel, Swatara, Union, East Hanover, North Lebanon and West Lebanon, Lebanon County, and the Edward Martin Military Reservation;

with right number 2, above, to be subject to the following condition:

That no right, power or privilege is granted to transport more than three (3) passengers in a group in call or demand taxicab service on any single trip between points on the certificated routes of Capitol Bus Company, as certificated to said company on or prior to May 12, 1952.

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| DOCKETED APPLICATION DOCKET JAN 1 8 1975 ENTRY No. ER |
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EXHIBIT "A"

RECORD

A. 99450
Folder 1

and subject to the following conditions is necessary or proper for the service, accommodation or convenience of the public:

FIRST: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

SECOND: That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.

THIRD: That the certificate holder shall comply with all the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Bus and Taxicab Regulations effective April 15, 1946, or as may hereafter be revised, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the Certificate.

NOW, to wit, December 23, 1975, IT IS ORDERED: That upon compliance with the requirements of the Public Utility Law relating to insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate of public convenience issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before thirty days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

(SEAL)

BY THE COMMISSION,

C. J. McElwee

O. J. McELWEE
Secretary

ORDER ADOPTED: December 23, 1975
ORDER ENTERED: January 12, 1976

COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 6, 1981

Commissioners Present:

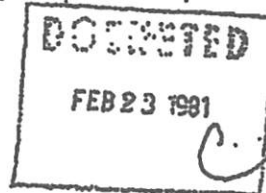
Susan M. Shansman, Chairman
Michael Johnson
James H. Cavley
Linda C. Taliaferro

Application of Super Cab, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, persons upon call or demand in the city of Lebanon, Lebanon County: SO AS TO PERMIT the transportation of persons upon call or demand, in the borough of Palmyra, Lebanon County.

A-00099450
P. 1
Am-A

Thomas A. Ehrgood for applicant.

ORDER

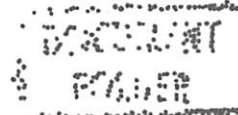


BY THE COMMISSION:

This matter comes before the Commission on an application filed July 25, 1980. Public notice of the application was given in the Pennsylvania Bulletin of November 8, 1980. Additional public notice of the application was given in the Lebanon Daily News, a newspaper of general circulation published in the borough of Lebanon, Lebanon County. No protests were filed.

The application is unopposed and the record is certified to the Commission for its decision without hearing. The record consists of verified statements submitted by applicant and 14 supporting parties.

M. M. Miller, president of Super Cab, Inc. (Super or applicant) sets forth in his statement that applicant presently holds authority from the Commission to render call or demand taxi service in the city of Lebanon and surrounding townships and paratransit authority between points in the county of Lebanon and within an airline distance of twenty (20) statute miles of the limits of said borough; subject to the usual paratransit restrictions. Under the paratransit authority applicant has the right to serve the borough of Palmyra. No call or demand service is currently available in the borough of Palmyra. The proposed service is



needed to transport individuals residing in Palmyra who are participating in Lebanon County Area Agency on Aging nutritional feeding program. A nutrition site is located in said borough. Temporary authority was granted June 26, 1980 to render a portion of the service proposed herein.

Super's terminal is located at 28 East Cumberland Street, Lebanon and its office and radio dispatch center are also located thereat. Its communication and dispatch system consists of a base radio station and all its equipment has two-way radios. Daily maintenance checks are made on all operating equipment and a training program is conducted for drivers before hiring. Applicant owns and operates three 5-passenger sedans suitable for rendering the proposed service.

Applicant's balance sheet dated July 31, 1980 indicates current assets of \$5,273, total assets of \$28,479, total liabilities of \$11,004 and a net worth of \$17,474. The income statement portion contained in the 1979 Annual Report of applicant filed with the Commission shows operating revenues of \$21,343, expenses of \$25,366 and a net operating loss of approximately \$4,023 for the year.

DISCUSSION AND FINDINGS

The application proposes call and demand service in the borough of Palmyra. Requests for service have been received by the applicant and no similar service is currently available to the public residing in the said borough. Applicant by virtue of his current authority as a call and demand taxi operator and paratransit type service provider in the Lebanon area would appear well suited and a logical choice for additional authority to operate a taxi service in the subject area which is situated adjacent to its existing operating territory.

Fourteen individuals residing in the borough of Palmyra submitted statements supporting necessity for call or demand service in the borough of Palmyra. All stated they would use the proposed service.

We find that:

1. Applicant possesses the equipment, experience and fitness necessary to render the additional service proposed.
2. A need has been demonstrated to exist for the proposed service.
3. Approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that the certificate issued to applicant on March 22, 1976, be amended to include the following right:

or demand in the Borough of Palmyra, Lebanon County.

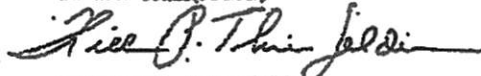
IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

IT IS ORDERED: That the temporary authority adopted on June 26, 1980 and entered on June 27, 1980 be and is hereby cancelled within sixty (60) days from the date of the service of this order.

BY THE COMMISSION,



William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: February 6, 1981

ORDER ENTERED: FEB 18 1981