



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

September 9, 2020

**Via Electronic Filing**

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

Re: Pennsylvania Public Utility Commission,  
Bureau of Investigation and Enforcement v.  
Black Tie Limousine Service Inc.  
Docket No. C-2018-3000163  
**I&E Motion to Strike Exceptions**

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Bureau of Investigation and Enforcement's (I&E) **Motion to Strike Exceptions Filed By Black Tie Limousine Service Inc.**, in the above-referenced matter. By separate transmittal, I&E is also concurrently filing I&E's Reply to Exceptions Filed By Black Tie Limousine Service Inc.

Copies have been served on the parties of record in accordance with the Certificate of Service. If you have any questions, please do not hesitate to contact me.

Sincerely,

Matthew C. Fallings  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 326896  
(717) 783-6150  
[mfallings@pa.gov](mailto:mfallings@pa.gov)

MCF/ac  
Enclosures

cc: Per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-3000163
	:	
Black Tie Limousine Service Inc.,	:	
Respondent	:	

**NOTICE TO PLEAD**

You are hereby notified to file a written response to the attached Motion to Strike of the Bureau of Investigation and Enforcement (I&E) within twenty (20) days within the date of service of this notice. If you do not file a written response denying the enclosed Motion to Strike within twenty (20) days of service, the presiding officer may rule in favor of I&E on the attached Motion without a hearing.

All pleadings, such answers to motions, must be filed with the Secretary of the Pennsylvania Utility Commission:

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

Or, you may eFile your response 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 response is 250 pages or less, you are not required to file a paper copy. If your response exceeds 250 pages, you must file a paper copy with the Secretary’s Bureau.

**Additionally, please serve a copy on:**

Matthew C. Fallings, Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
[mfallings@pa.gov](mailto:mfallings@pa.gov)

If you are a corporation, you must be represented by legal counsel. *See* 52 Pa. Code § 1.21.

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-3000163
	:	
Black Tie Limousine Service Inc.,	:	
Respondent	:	

**THE BUREAU OF INVESTIGATION AND ENFORCEMENT’S MOTION TO STRIKE EXCEPTIONS FILED BY BLACK TIE LIMOUSINE SERVICE INC.**

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission” or “PUC”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorney, Matthew C. Fallings, Esq., and files this Motion to Strike Black Tie Limousine Service Inc., (“Black Tie” or “Respondent”) Exceptions to Findings of Fact, Conclusions of Law, and Recommended Decision Dated August 20, 2020 (“Exceptions”) pursuant to Section 5.103 of the Commission’s regulations, 52 Pa. Code § 5.103. In support thereof, I&E respectfully represents as follows:

1. I&E commenced this action on March 6, 2018, by filing a Formal Complaint (“Complaint”) against Respondent for failure to maintain evidence of liability insurance on file with the Commission.
  
2. On March 14, 2019, the Complaint was served by certified mail to Respondent at 102 Browning Lane, Building B, Cherry Hill, New Jersey 08003.<sup>1</sup>

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<sup>1</sup> This is the last known mailing address that Respondent provided to the Commission. The Complaint was returned to the Commission by the United States Postal Service on April 14, 2018. On April 23, 2018, the Complaint was re-reserved to Respondent at 102 Browning Lane, Building B, Cherry Hill, New Jersey 08003. The Complaint was returned to the Commission by the United States Postal Service displaying “unclaimed certified mail”, on April 24, 2018. Pursuant to the Commission’s procedural regulations at 52 Pa. Code § 1.53(e), the Complaint was published in the Pennsylvania Bulletin on April 24, 2018. See 49 Pa. Bull. 7552 (April 25, 2018).

3. Included within the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days, and that if it is a corporation, it must be represented by an attorney during adversarial proceedings.

4. Respondent, a corporate entity, filed an Answer, *pro se*, in response to I&E's Complaint on May 11, 2018.

5. A telephonic evidentiary hearing on this matter was held before Administrative Law Judge Denis J. Buckley ("ALJ Buckley") on May, 20, 2020, where Respondent failed to appear.

6. I&E presented a Motion for Default Judgment during the hearing requesting I&E's Complaint to be sustained due to Respondent's failure to file a timely Answer to the Complaint by an attorney and failure to appear at the scheduled hearing of which Respondent was served due and timely notice. ALJ Buckley took I&E's Motion under advisement.

7. ALJ Buckley issued a Recommended Decision on the matter on August 20, 2020, which granted I&E's Complaint, notified Respondent to pay the civil penalty of \$500, canceled Respondent's certificate of public convenience with the PUC and denied I&E's Motion for Default Judgment as moot.

8. On August 20, 2020, Respondent, Black Tie Limousine Service Inc., filed Exceptions to ALJ Buckley's Recommended Decision.

9. Respondent's Exceptions were filed by Mr. Joseph Gabbay who is identified as an employee of Respondent and not an attorney.

10. Pursuant to 52 Pa. Code § 1.21 of the Commission’s Regulations, a corporation must be represented by an attorney in an adversarial proceeding.

11. The Commission has clarified that “while corporate officers are permitted to file formal complaints or applications on a corporation’s behalf because those proceedings are not adversarial at that point [] a proceeding becomes adversarial upon the filing of an answer, [] after which time all future pleadings must be filed by an attorney.” *In Re: Application of Signature Sedan Serv., Inc.*, No. A-2012-2325962, 2013 WL 1346044, at \*4 (Mar. 18, 2013); see 52 Pa. Code § 1.21-1.23 (stating that corporate entities must be represented by an attorney during adversarial proceedings).

12. Recently, in *Pa. PUC, Bureau of Investigation and Enforcement v. TRBZ INK LLC*, Docket No. C-2017-2634538 (Order entered February 27, 2020) the Commission found that an individual who petitions the Commission on behalf of a corporation may not proceed on behalf of that corporation. *Id.* In *TRBZ INK*, the Commission recognized that TRBZ was provided sufficient notice to secure legal counsel in the Notice attached to the formal complaint filed by I&E. *Id.* The Commission reasoned that allowing the petitioner to proceed in an adversarial proceeding without securing counsel for TRBZ would be not only welcoming unauthorized practice of law, but it would be in violation of the Commission's Regulation requiring protections of a corporation secured by counsel. *Id.*

13. This matter became an adversarial proceeding when Respondent filed its Answer on May 11, 2018.

14. Respondent's filing of Exceptions on August 20, 2020 continued the adversarial status of this proceeding.

15. Applying the Commission's regulations at 52 Pa. Code § 1.21 and applying the Commission's ruling in *Application of Signature Sedan* and *TRBZ INK* to the instant case yields the result that Mr. Joseph Gabbay may not engage in the unauthorized practice of law with his own filing of Exceptions on behalf of Black Tie Limousine Service Inc., and instead must secure an attorney to represent Black Tie in this proceeding due to its adversarial status.

WHEREFORE, Matthew C. Fallings, Esq., on behalf of the Bureau of Investigation and Enforcement, respectfully requests that I&E's Motion to Strike Respondent's Exceptions be granted.

Respectfully,



Matthew C. Fallings  
Prosecutor  
PA Attorney ID No. 326896

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
(717) 783-6150  
[mfallings@pa.gov](mailto:mfallings@pa.gov)

Dated: September 9, 2020

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

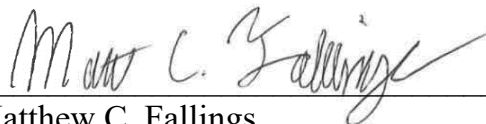
Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2018-3000163
	:	
Black Tie Limousine Service Inc.,	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Bureau of Investigation and Enforcement's **Motion to Strike Exceptions** dated September 9, 2020, upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

**Service by First Class Mail and Electronic Mail:**

Joseph Gabbay  
Black Tie Limousine Service Inc.  
201 Browning Lane, Building B  
Cherry Hill, NJ 08003  
Gtowncab@gmail.com

  
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Matthew C. Fallings  
Prosecutor  
Bureau of Investigation and Enforcement  
PA Attorney ID No. 326896  
(717) 783-6150  
[mfallings@pa.gov](mailto:mfallings@pa.gov)