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Via e-Filing

September 30, 2021

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

Re: Pennsylvania Public Utility Commission v. La Mexicana Express Service, LLC
No. C-2021-3025505, A-6415209

Madam Secretary:

I represent Respondent, La Mexicana Express Service, LLC, in the above captioned matter.

Attached and enclosed for filing with your Commission, find Respondent's Petition For Reconsideration From Staff Action, with Verification and Certificate of Service.

If you have any questions relative to any of the above or attached, or require additional information, please contact me. Your considerations and courtesies are appreciated.

Very truly yours,

s/ Kenneth A. Olsen
Kenneth A. Olsen

KAO:amo

Enc.

cc with enc.: La Mexicana Express Service, LLC

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF:
PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF INVESTIGATION & ENFORCEMENT

v
LA MEXICANA EXPRESS SERVICE, LLC
NUMBER C-2021-3025505
A-6415209

PETITION FOR RECONSIDERATION FROM STAFF ACTION
OF
RESPONDENT
TO THE
LETTER OF THE COMMISSION
DATED SEPTEMBER 14, 2021
(Document Filed Electronically)

Dated: September 30, 2021

Filed By:

Kenneth A. Olsen
33 Philhower Road
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Email: kolsen53@earthlink.net
Attorney for Applicant
PA Attorney ID No. 29681

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF:
PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF INVESTIGATION & ENFORCEMENT

v.
LA MEXICANA EXPRESS SERVICE, LLC
NUMBER C-2021-3025505
A-6415209

PETITION FOR RECONSIDERATION FROM STAFF ACTION
OF
RESPONDENT
TO THE
SEPTEMBER 14, 2021 LETTER OF THE COMMISSION

Comes now, La Mexicana Express Service, LLC, a minority owned and operated Pennsylvania limited liability company, with address at 534 Minor Street, Reading, PA 19602 (hereinafter referred to as Respondent), by its Attorney, Kenneth A. Olsen, and in accordance with 66 Pa. C.S. §§703(f) and 703(g) and 52 Pa. Code §§ 5.41 and 5.44 of the Regulations of the Pennsylvania Public Utility Commission ("Commission"), files this, its Petition For Reconsideration From Staff Action to the Letter of the Commission's Secretary, dated September 14, 2021 ("Letter") in the above entitled proceeding.

I
RECONSIDERATIONS

A. Applicant requests reconsideration of and excepts to Paragraph 1 of the Letter.

The Letter was not addressed to Respondent at Respondent's current and correct address of 534 Minor Street, Reading, PA 19602. The Letter and the Bureau of

Investigation and Enforcement's ("BIE") Complaint dated June 11, 2021 ("Complaint"), was addressed to Respondent's at its old address of 1044 Union Street, Reading, PA 19604. However, Respondent duly notified the Commission of its current address on October 13, 2020 and BIE personnel have visited Respondent at Respondent's current address.

Respondent did not receive timely or any notice of the Letter, or the BIE's Complaint, via mail at its current and correct address of 534 Minor Street, Reading, PA 19602. The BIE's June 11, 2021 Complaint and the Letter was only sent to Respondent via email to an unattended email address, which Respondent does not use or view on any regular or routine basis, ie "lamexicanataxiandlimo@gmail.com." When Respondent last viewed this unattended email account on September 20, 2021, it discovered the Letter and the BIE Complaint dated June 11, 2021, and immediately retained the services of the undersigned to file the instant Petition For Reconsideration.

Had the BIE or the Commission timely served Respondent at is current correct address, or provided timely notice via an attended email address, Respondent would have been able to timely reply to the BIE's Complaint allegations as follows:

B. Complaint Answer (with averments).

1. Respondent denies that it maintains its principal place of business at 1044 Union Street, Reading, PA 19604, and avers that its principal place of business is 534 Minor Street, Reading, PA 19602, with timely notice of such to the Commission on October 13, 2020.
2. Respondent admits the representations contained in Paragraph 2 of the Complaint.
3. Respondent is without sufficient knowledge or belief regarding the truth of the

representations contained in Paragraph 3 of the Complaint to either admit or deny same, and leaves the Commission to its proof of same.

4. Respondent admits the representations contained in Paragraph 2 of the Complaint.

5. Respondent admits the representations contained in Paragraph 5 of the Complaint.

6. Respondent admits the representations contained in Paragraph 6 of the Complaint.

7. Respondent denies that it permitted a driver to operate before obtaining and reviewing a criminal history, thereby violating 52 Pa. Code §29.505(b)(1) for a total penalty of \$3,250.00, and avers that it does not permit persons to drive vehicles before conducting national and local criminal background check on them and regularly conducts such criminal background checks pursuant to Commission regulations.

8. Respondent admits the representations contained in Paragraph 8 of the Complaint, but avers the total penalty should be lower in view of Respondent's depressed financial circumstances during the recent COVID-19 pandemic period and the fact that it is installing meters in all subject vehicles.

9. Respondent admits the representations contained in Paragraph 9 of the Complaint, but avers the total penalty should be lower in view of Respondent's depressed financial circumstances during the recent COVID-19 pandemic period and the fact that it is installing dome lights on all subject vehicles.

10. Respondent admits the representations contained in Paragraph 10 of the Complaint, and avers the total penalty should be lower in view of Respondent's depressed financial circumstances during the recent COVID-19 pandemic period and the fact that it is installing complaint decals in all subject vehicles.

II
CONCLUSION AND PRAYER FOR RELIEF

WHEREFORE, the above premises be considered, Respondent respectfully prays this Commission:

- (a) reconsider the Letter ;
- (b) reconsider the Staff Action;
- (c) find Respondent did not receive timely notice of the Complaint via mail or email to its current and correct principal place of business address or email address;
- (d) accept Respondent's within Answer (with averments) to the Complaint as timely filed;
- (e) find that Respondent has not violated 52 Pa. Code §29.505(b)(1);
- (f) grant Respondent reduced penalties, payable in installments over an extended period of time, in view of its depressed financial circumstances during the recent COVID-19 pandemic period and the fact that it is expending monies to install meters in all subject vehicles, dome lights on all subject vehicles, and complaint decals in all subject vehicles; and
- (g) and for such other relief and remedy deemed appropriate by this Commission.

Dated: September 30, 2021

Respectfully submitted,



Kenneth A. Olsen
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Email: kolsen53@earthlink.net
PA Attorney Id No. 29681
Attorney for Respondent

Verification

I hereby state that the facts above averred and set forth are true and correct to the best of my knowledge, information and belief. I understand that the statements herein are made subject to penalties of 18 Pa. C. S. Section 4904 (relating to unsworn falsification to authorities).

Daniel S. Caisaguano
(Signature)

9/30/21
(Date)

Daniel S. Caisaguano, Member
(Name and Title, printed or typed)

CERTIFICATE OF SERVICE

I hereby certify that I have this day served the original and true copies of the foregoing document, Respondent's Petition For Reconsideration From Staff Action to the Letter of the Commission's Secretary, dated September 14, 2021, upon the persons listed below, via e-Filing, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant), 52 Pa. Code § 1.59, and 52 Pa. Code § 5.502:

The Hon. Rosemary Chiavetta, Secretary, Pennsylvania Public Utility Commission, P. O. Box 3265, 2nd Floor, Keystone Bldg., 400 North Street, Harrisburg, PA 17105-3265 as to an original, and no further copies on any other party inasmuch as there are no other parties of interest or of record to the instant Petition.

Dated this 30th day of September, 2021.


Kenneth A. Olsen
KENNETH A. OLSEN
Attorney for Respondent