



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

April 14, 2022

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.
Yellow Cab Company of Lebanon, Inc.
Docket No. C-2022-
Formal Complaint

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Formal Complaint in the above-referenced proceeding. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Alphonso Arnold III'.

Alphonso Arnold III
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 318487
(717) 787-3836
alphonarno@pa.gov

CMA/ac
Enclosures

cc: Per Certificate of Service

NOTICE

A. You must file an Answer within 20 days of the date of service of this Complaint.

The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code § 1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

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

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Alphonso Arnold III, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Attorney Arnold: alphonarno@pa.gov

B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the requested relief.

C. You may elect not to contest this Complaint by paying the civil penalty within 20 days. Send only a certified check or money order made payable to the "Commonwealth of Pennsylvania," with the docket number indicated, and mail to:

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

D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the requested relief set forth in this Complaint.

E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint and may impose additional and/or alternative penalties as appropriate.

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

G. Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2022-
	:	
Yellow Cab Company of Lebanon, Inc.	:	

FORMAL COMPLAINT

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by its prosecuting attorneys, and files this Complaint against Yellow Cab Company of Lebanon, Inc. (“Respondent” or “the Company”), pursuant to Section 701 of the Public Utility Code, 66 Pa.C.S. § 701 (“Code”). In support of its Complaint, I&E respectfully represents the following:

Parties and Jurisdiction

1. The Pennsylvania Public Utility Commission, with a mailing address of 400 North Street, Harrisburg, PA 17120, is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth pursuant to the Public Utility Code, 66 Pa.C.S. §§ 101, *et seq.*

2. Complainant is the Commission’s Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11). *See also Implementation of Act 129 of 2008;*

Organization of Bureaus and Offices, Docket No. M-2008-2071852 (Order entered August 11, 2011) at 5 (I&E shall have standing and authority, through its attorneys, to participate in all Commission proceedings and to initiate enforcement actions and prosecutions in the public interest).

3. Complainant is represented by:

Alphonso Arnold III
Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120
(717) 787-3836
alphonarno@pa.gov

Michael L. Swindler
Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

4. Respondent is Yellow Cab Company of Lebanon, Inc., utility code 639093, which maintains its principal place of business at 30 Hoffman Street, Lebanon, PA, 17042.

5. The Respondent's mailing address is 28 East Cumberland Street, Lebanon, PA, 17042.

6. Respondent is a registered corporation with the Commonwealth of Pennsylvania.

7. Respondent is a “public utility” as that term is defined at 66 Pa.C.S. § 102, as it is engaged in transporting passengers in the Commonwealth of Pennsylvania for compensation.

8. The Commission issued Respondent a Certificate of Public Convenience at A-00023233 to furnish call or demand service in Lebanon County.

9. Section 501(a) of the Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Code.

10. Section 701 of the Code, 66 Pa.C.S. § 701, authorizes the Commission to, *inter alia*, hear and determine complaints against public utilities for a violation of any law or regulation that the Commission has jurisdiction to administer.

11. Section 3301 of the Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility, or any other person or corporation subject to the Commission’s authority, for violation(s) of the Code and/or Commission regulations. Section 3301(a)-(b) of the Code, 66 Pa.C.S. § 3301(a)-(b), allows for the imposition of a separate civil penalty for each violation and each day’s continuance of such violation(s).

12. Respondent, in transporting passengers as a common carrier for compensation, is subject to the power and authority of this Commission pursuant to Section 501(c) of the Code, 66 Pa.C.S. § 501(c), which requires a public utility to comply with Commission regulations.

13. Pursuant to the provisions of the applicable Commonwealth statutes and regulations, the Commission has jurisdiction over the subject matter of this complaint and the actions of Respondent related thereto.

Factual Background

14. On December 14, 2021, a customer contacted the Respondent to arrange for a taxi to be sent to his location. The Respondent dispatched a taxi to the customer's location. The taxi left without transporting the customer allegedly due to the customer not being on time.

15. On December 15, 2021, the same customer contacted the Respondent to arrange for a taxi to be sent to his location. The Respondent quoted a \$25 surcharge on top of the fare. The \$25 surcharge was quoted allegedly due to the customer failing to show up for the booked taxi on December 14, 2021. The customer did not agree to pay the "no-show" surcharge and as a result the Respondent did not send a taxi to the customer's location.

16. On December 20, 2021, the customer filed a Taxi Complaint Form with the Commission's Motor Carrier Enforcement Division against the Respondent. The customer checked the following boxes on the Form: "(1) Driver refused to transport passenger" and "(2) Other." Under the box "Other" the customer wrote, "Wanted to charge \$25 fee for being out door 7 min. Day out 7 min late was 12/14/21."

17. On January 6, 2022, the Taxi Complaint was assigned to Motor Carrier Enforcement Officer Tim Troxell.

18. On January 10, 2022, Officer Troxell spoke with the customer about the allegations raised in the Taxi Complaint.

19. On January 12, 2022, Officer Troxell spoke to Jackie Miller, an employee of the Company, to inform her that charging the customer a \$25 “no-show” surcharge was not authorized by the Respondent’s Commission-approved tariff.

20. Officer Troxell spoke to the customer to inform him of the January 12, 2022, conversation with Jackie Miller.

21. On January 31, 2022, the customer contacted Officer Troxell to inform the Officer that he was again quoted a \$25 “no-show” surcharge when he contacted the Respondent to have a taxi sent to his location.

22. Officer Troxell again spoke with Jackie Miller to inform her that the Respondent’s Commission-approved tariff does not authorize the Respondent to charge a \$25 “no-show” surcharge.

23. Following his conversation with Jackie Miller, Officer Troxell spoke to the customer and suggested that the customer contact the Respondent to try again to arrange for taxi transportation.

24. The customer contacted the Respondent additional times to arrange for taxi transportation and was quoted a \$25 “no-show” surcharge each time.

25. The Respondent’s Official Tariff on file with the Commission, effective April 24, 2006, does not authorize the Respondent to charge customers a \$25 “no-show” surcharge or fee.

Violations

Count 1

26. All allegations in paragraphs 1-25 are incorporated as if fully set forth therein.

27. Section 1303 of the Code, 66 Pa.C.S. § 1303, provides that, “No public utility shall, directly or indirectly, by any device whatsoever, or in anywise, demand or receive from any person, corporation, or municipal corporation a greater or less rate for any service rendered or to be rendered by such public utility than that specified in the tariffs of such public utility applicable thereto. The rates specified in such tariffs shall be the lawful rates of such public utility until changed, as provided in this part. Any public utility, having more than one rate applicable to service rendered to a patron, shall, after notice of service conditions, compute bills under the rate most advantageous to the patron.”

28. The Respondent’s Commission-approved tariff does not authorize the Respondent to charge a \$25 “no-show” surcharge to customers for any reason, including to a customer who previously arrived late to a booked location. Therefore, by quoting a \$25 “no-show” surcharge to the customer at issue, the Respondent charged the customer a rate not authorized by its Commission-approved tariff in violation of Section 1303 of the Code, above.

29. Although the Respondent has an acceptable compliance history with the Code and the Commission’s regulations,¹ the Respondent in this matter charged the customer a fee greater than what was permitted by the Company’s Commission-approved tariff on multiple occasions, even after being informed by Officer Troxell on multiple occasions that doing so was improper. Due to this willful and intentional wrongful conduct by the Respondent, I&E seeks a \$500 civil penalty.² This penalty amount is consistent with past Commission decisions³ and I&E avers that this penalty will be enough to deter future violations by the Respondent.

Count 2

30. Section 1501 of Code states that “Every public utility shall furnish and maintain adequate, efficient, safe, and reasonable service...as shall be necessary or proper for the accommodation, convenience, and safety of its patrons, employees, and the public.” 66 Pa. C.S. § 1501.

31. Section 102 of the Code defines “service” as “Service... includes any and all acts done, rendered, or performed, and any and all things furnished or supplied...by public utilities.” 66 Pa. C.S. § 102.

¹ Review of the Commission’s records reveals that the Respondent has not committed a violation within the past five years.

² Section 69.1201 of the Commission’s regulations contains a Policy Statement which sets forth ten factors for Commission consideration in evaluating whether and to what extent a civil penalty is warranted for violation of a Commission order, regulation, or statute. 52 Pa. Code § 69.1201(c)(1) – (10). The considerations to be made include whether the conduct at issue was of a serious nature ((52 Pa. Code § 69.1201(c)(1)); the compliance history of the regulated entity which committed the violation (52 Pa. Code § 69.1201(c)(6)); past Commission decisions in similar situations (52 Pa. Code § 69.1201(c)(9)); and the amount of the civil penalty necessary to deter future violations (52 Pa. Code § 69.1201(c)(8)).

³ Grant Schauer v. Yellow Cab Co. of Pittsburgh, Docket No. C-2012-2304882 (Opinion and Order entered June 13, 2013).

32. The Respondent refused to send a taxi to the location of a customer due to the customer refusing to pay a \$25 “no-show” surcharge assessed by the Company due to the customer failing to show up on time to a booked location on a previous occasion. As discussed above, the Company’s assessment of the \$25 “no-show” surcharge was improper as it was not authorized by the Company’s Commission-approved tariff. Therefore, the Company’s refusal to dispatch a taxi to the location of the customer was also improper. By improperly refusing to send a taxi to the location of the customer, the Respondent failed to furnish reasonable service to the customer in violation of Section 1501 of the Code, above.⁴

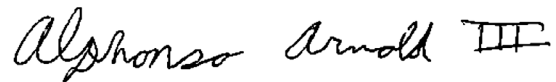
33. Although the Respondent has an acceptable compliance history with the Code and the Commission’s regulations, the Respondent unreasonably refused to provide taxi service to the customer. The Respondent refused the customer service even after being informed by Officer Troxell on multiple occasions that refusal was improper. Due to this willful and intentional wrongful conduct by the Respondent, I&E seeks a \$500 civil penalty. This penalty amount is consistent with past Commission decisions⁵ and I&E avers that this penalty will be enough to deter future violations by the Respondent.

⁴ The Commission has previously determined that the failure to provide timely taxi service may constitute unreasonable service in violation of Section 1501. See, Pa. Pub. Util. Comm’n. v. Yellow Cab Co. of Pittsburgh, Docket No. C-2012-2219127 (Final Order entered May 31, 2013) (caller waited over two hours before a taxi driver provided service); and Pa. Pub. Util. Comm’n. v. Posten Taxi, Inc., 95 Pa. P.U.C. 1 (Order entered January 4, 2001) (delay of fifty-two minutes in picking up a blind passenger who had called for service resulted in a violation of Section 1501).

⁵ Pa. Pub. Util. Comm’n. v. Yellow Cab Co. of Pittsburgh, Docket No. C-2012-2219127 (Final Order entered May 31, 2013); Pa. Pub. Util. Comm’n. v. Yellow Cab Co. of Pittsburgh, C-2012-2249031 (Opinion and Order entered February 6, 2014).

WHEREFORE, for all the foregoing reasons, the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement respectfully requests that the Commission impose a total civil penalty of \$1,000⁶ against the Respondent for the above-described violations.

Respectfully submitted,



Alphonso Arnold II
Prosecutor
PA Attorney ID No. 318487

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 787-3836
alphonarno@pa.gov

Date: April 14, 2022

⁶ The Respondent committed the aforementioned violations on two separate days, December 14, 2021, and January 31, 2022. As such, I&E asserts that it could seek a \$1,000 fine for both dates. However, I&E asserts that a \$1,000 fine is enough to deter the Respondent from future violations of the Code.

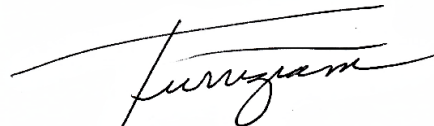
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2022-
	:	
Yellow Cab Company of Lebanon, Inc.	:	

VERIFICATION

I, Andrew Turriziani, Chief of Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: April 14, 2022



Andrew Turriziani, Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

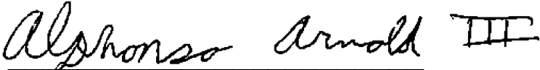
Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2022-
	:	
Yellow Cab Company of Lebanon, Inc.	:	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing **Formal Complaint** in the manner and upon the parties listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Served via Certified Mail

Yellow Cab Company of Lebanon, Inc.
28 E Cumberland Street
Lebanon, Pennsylvania, 17042
(717) 273-1656


Alphonso Arnold III
Prosecutor
PA Attorney ID No. 318487

Pennsylvania Public Utility Commission
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Date: April 14, 2022