

GRAIG A. DOLL

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May 3, 2022

Via E-filing

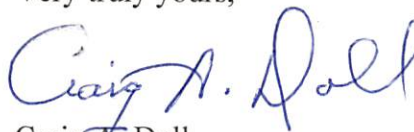
Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P.O. Box 2365
Harrisburg, PA 17105-3265

Re: **Pennsylvania Public Utility Commission v. Yellow Cab Company of
Lebanon, Inc.
C-2022-3031886**

Dear Secretary Chiavetta:

Enclosed is the original Answer of Yellow Cab Company of Lebanon, Inc. in the above captioned matter which was e-Filed this date. A copy of this Answer has been served upon the Commission's Prosecutory Staff as set forth on the attached Certificate of Service.

Very truly yours,


Craig A. Doll

Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	C-2022-3031886
	:	
Yellow Cab Company of Lebanon, Inc.	:	

**ANSWER
OF
YELLOW CAB COMPANY OF LEBANON, INC.**

Yellow Cab Company of Lebanon, Inc. (“Yellow” or “Respondent”), by and through its undersigned counsel, pursuant to the provisions of 52 Pa. Code § 5.61(a) and 5.62(b), hereby files this Answer and New Matter to the Complaint of the Bureau of Investigation and Enforcement (“Bureau”) and requests that the complaint at the above docket number be dismissed. In support of this request, Yellow states as follows:

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Admitted.
6. Admitted.
7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.

11. Admitted.

12. Admitted.

13. Admitted.

14. Denied. Yellow possesses insufficient information to admit or deny the allegations contained in this paragraph. The name of the customer and the address to which Yellow purportedly dispatched the cab is in the exclusive possession of the customer and the Bureau. Without such information, Yellow is unable to search its records to ascertain whether the statements contained in this paragraph are true or false. Accordingly, Yellow demands strict proof of this statement at any hearing in this matter.

15. Denied. Yellow possesses insufficient information to admit or deny the allegations contained in this paragraph. The name of the customer and the address to which Yellow purportedly dispatched the cab is in the exclusive possession of the customer and the Bureau. Without such information, Yellow is unable to search its records to ascertain whether the statements contained in this paragraph are true or false. Accordingly, Yellow demands strict proof of this statement at any hearing in this matter.

16. Denied. Yellow possesses insufficient information to admit or deny the allegations contained in this paragraph. The name of the customer and the address to which Yellow purportedly dispatched the cab is in the exclusive possession of the customer and the Bureau. Without such information, Yellow is unable to search its records to ascertain whether the statements contained in this paragraph are true or false. Accordingly, Yellow demands strict proof of this statement at any hearing in this matter. By way of further answer, the final sentence of this paragraph is incomprehensible and cannot be responded to.

17. Admitted.

18. Admitted in part, denied in part. The date and the contents of the conversation between Officer Troxell and the alleged customer are in the sole and exclusive possession of the Bureau and cannot be admitted or denied. Yellow admits that if proper procedure was followed, Officer Troxel would have contacted the alleged customer. Accordingly, Yellow demands strict proof of the allegations made in this paragraph at any hearing in this matter.

19. Admitted.

20. Admitted in part, denied in part. The date and the contents of the conversation between Officer Troxell and the alleged customer are in the sole and exclusive possession of the Bureau and cannot be admitted or denied. Accordingly, Yellow demands strict proof of the allegations made in this paragraph at any hearing in this matter.

21. Denied. The date and the contents of the conversation between Officer Troxell and the alleged customer are in the sole and exclusive possession of the Bureau and cannot be admitted or denied. Accordingly, Yellow demands strict proof of the allegations made in this paragraph at any hearing in this matter.

22. Admitted.

23. Denied. The date and the contents of the conversation between Officer Troxell and the alleged customer are in the sole and exclusive possession of the Bureau and cannot be admitted or denied. Accordingly, Yellow demands strict proof of the allegations made in this paragraph at any hearing in this matter.

24. Denied. It is unknown if the customer ever contacted Yellow of the date of that purported contact. The Contents of this purported conversation is in the sole possession and control of the Bureau.

25. Denied. While it is admitted that Yellow's 2006 tariff did not contain a provision for a \$25 no show charge, Yellow' tariff issued on February 23 with an effective date of February 24 contained the following provision: A "no-show" fee of \$25 will be charged for each occasion that a patron books a vehicle and does not show up when the vehicle arrives and waits for more than 5 minutes."

26. The answers of Yellow to paragraphs 1 through and including 25 are incorporated herein as if fully set forth herein.

27. Admitted in part and denied in part. It is admitted that the Bureau has accurately quoted §1303 of the public Utility Code. It is denied that Yellow charged an amount that was not contained in its tariff. Further, there exists no evidence that the alleged customer in the form of an affidavit that he was every quoted or paid the "no-show" fee.

28. Denied. Yellow's tariff issued February 23 and effective February 24 authorizes the charging of a \$25 "no show" under certain circumstances. Thus is it denied hat Yellow violated §1303 of the Code.

29. Admitted in part and denied in part. It is admitted that Yellow has not been cited by the Commission for any violations in the past five years. I is denied that Yellow "charged the customer a fee greater than what was permitted by the Company's Commission-approved tariff". By way of further Answer, Yellow states that immediately after being informed of the lack of a "no-show" fee within its tariff, Yellow took steps to correct this deficiency, by filing a new tariff. Since the Complaint does not contain specific dates of the "multiple occasions" upon which the purported customer called Yellow. Further, after February 24, the quoting of the \$25 "no show" fee was entirely consistent with Yellow's tariff.

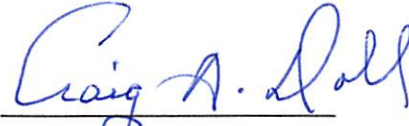
30. It is admitted that the Bureau has accurately quoted that portion of §1505 of the Public Utility Code that is set forth in this paragraph.

31. It is admitted that the Bureau has accurately quoted that portion of §102 of the Public Utility Code that is set forth in this paragraph

32. Denied. As stated previously, Yellow's 2022 tariff specifically provides for that charge. The purported custom would not agree to the payment of the legitimate charges of Yellow. According, Yellow appropriately refused to transport a passenger who would not agree to pay its tariffed fees. If Yellow had done so, it would have been in violation of the Commission rules regulation and the Code for discriminating in favore of a customer by transporting a passenger for free.

WHEREFORE, for all of the foregoing reasons, Yellow Cab Company of Lebanon, Inc respectfully requests that the complaint of the Bureau of Investigation and Enforcement be dismissed.

Respectfully submitted,



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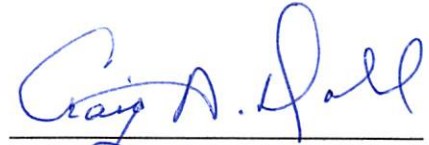
Attorney I.D. # 22814

Attorney for Yellow Cab Company of
Lebanon, Inc.

Dated: May 3, 2022

Attorney's Certificate

Craig A. Doll, Esquire, Attorney for Yellow Cab Company of Lebanon, 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: May 3, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	C-2022-3031886
	:	
Yellow Cab Company of Lebanon, Inc.	:	

CERTIFICATE OF SERVICE

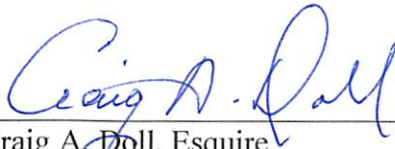
I hereby certify that I have this date served a copy of the Answer of Yellow Cab Company of Lebanon, Inc. upon the persons listed below via E-mail in accordance with the provisions of 52 Pa. Code §1.54.

Efiling

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

Email

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



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Attorney for Yellow Cab Company of Lebanon,
Inc.

Dated: May 3, 2022