



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

August 26, 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.
Webb's Transport LLC d/b/a White Rose Taxi
Docket No. C-2022-3034193
Petition for Leave to Withdraw Complaint

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Petition for Leave to Withdraw 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

AA/jfm
Enclosures

cc: Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2022-3034193
	:	
Webb’s Transport LLC d/b/a	:	
White Rose Taxi	:	

**PETITION OF THE BUREAU OF INVESTIGATION AND ENFORCEMENT
FOR LEAVE TO WITHDRAW COMPLAINT**

TO THE COMMISSION:

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by and through its prosecuting attorney, pursuant to 52 Pa. Code § 5.94(a), petitions for leave to withdraw the Formal Complaint (“Complaint”) in the above captioned proceeding. I&E submits the following in support thereof:

1. Webb’s Transport LLC d/b/a White Rose Taxi (Respondent) was issued a certificate of public convenience by this Commission for taxi authority at docket no. A-2015-2461169.
2. On August 3, 2022, I&E filed a Complaint docketed at C-2022-3034193 against Respondent. In its Complaint, I&E represented that on July 21, 2022, Commission Motor Carrier Officer Timothy Troxell inspected a 2011 Ford Crown Victoria being operated as a taxi on behalf of Respondent. I&E alleged that Respondent

violated Section 29.314(c) of the Commission's regulations by permitting a vehicle that is more than ten model years old to be operated in call and demand service. For relief, I&E sought a civil penalty in the amount of \$500.

3. On August 8, 2022, Respondent filed an Answer to I&E's Complaint. Respondent denied the allegation in the Complaint, asserting that the 2011 Ford Crown Victoria is a flexible fuel vehicle (FFV) which utilizes alternative fuel. Respondent argued that according to Section 29.314(c) of the Commission's regulations, vehicles utilizing alternative fuels may be in operation in call and demand service until the age of twelve model years. Therefore, Respondent argued that it is not in violation of 52 Pa. Code § 29.314(c) in permitting the 2011 Ford Crown Victoria to operate.

4. Section 29.314(c) of the Commission's regulations provide that, "a vehicle that is more than 10 model years old or has more than 350,000 miles of cumulative mileage registered on its odometer may not be operated in call and demand service. For example, for a vehicle with less than 350,000 miles, the last day on which a 2016 model year vehicle may be operated in taxi service is December 31, 2026. Electric vehicles, hybrid electric vehicles and vehicles utilizing alternative fuels, as defined in 75 Pa.C.S. §§ 102 and 9002 (relating to definitions), may operate in call and demand service until the vehicle age of 12 model years or the cumulative mileage level of 350,000 miles registered on the odometer. For example, for a vehicle with less than 350,000 miles, the last day on which a qualifying model year 2016 alternative fuel vehicle, hybrid electric vehicle or electric vehicle may be operated in taxi service is December 31, 2028. This subsection is effective January 19, 2016." 52 Pa. Code § 29.314(c).

5. Alternative fuels are defined as, “Natural gas, compressed natural gas (CNG), liquified natural gas (LNG), liquid propane gas and liquified petroleum gas (LPG), alcohols, gasoline-alcohol mixtures containing at least 85% alcohol by volume, hydrogen, hythane, electricity and any other fuel used to propel motor vehicles on the public highways which is not taxable as fuels or liquid fuels under this chapter.” 75 Pa.C.S.A. § 9002.

6. Upon further review, Respondent’s argument raised in its Answer is valid. The vehicle in question (2011 Ford Crown Victoria) is a vehicle that utilizes alternative fuel. More specifically, the 2011 Ford Crown Victoria is an FFV, which means that the vehicle utilizes an ethanol fuel blend consisting of 85% ethanol and 15% gasoline. This ethanol fuel blend falls within the definition of alternative fuels, as the blend is a gasoline-alcohol mixture containing at least 85% alcohol by volume. As a vehicle that utilizes alternative fuel, the 2011 Ford Crown Victoria may be in operation in call and demand service until the vehicle age of twelve model years. The 2011 Ford Crown Victoria may be in operation until December 31, 2023.

7. Given the analysis above, Respondent has not violated any law which the Commission has jurisdiction to administer, or of any regulation or order of the Commission. The public interest is served by the withdrawal of the Formal Complaint filed at C-2022-3034193, as there is no case or controversy for the Commission to adjudicate.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement respectfully requests that the Commission grant this Petition.

Respectfully submitted,

A handwritten signature in black ink that reads "Alphonso Arnold III". The signature is written in a cursive style with a distinct "III" at the end.

Alphonso Arnold III
Prosecutor
PA Attorney ID No. 318487

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

Date: August 26, 2022

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

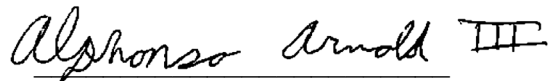
Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2022-3034193
	:	
Webb's Transport LLC d/b/a	:	
White Rose Taxi	:	

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 First-Class Mail:

Webb's Transport LLC d/b/a White Rose Taxi
c/o Michael Webb Sr.
1321 E. Market Street
York, PA 17403



Alphonso Arnold III
Prosecutor
PA Attorney ID No. 318487

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
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Date: August 26, 2022