



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

March 7, 2023

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.
Latino Taxi Service LLC
Docket No. C-2023-
I&E Formal Complaint

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's (I&E) **Formal Complaint** for the above-captioned proceeding.

Copies are being served on all parties of record as evidenced in the attached Certificate of Service. Should you have any questions, or concerns, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Alphonso Arnold III'. The signature is written in a cursive, slightly slanted style.

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

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 Mr. Arnold at: 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 past due assessment and 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-2023-
	:	
Latino Taxi Service LLC	:	

FORMAL COMPLAINT

NOW COMES the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”), by its prosecuting attorney, and files this Complaint against Latino Taxi Service LLC (“Respondent”), pursuant to Section 701 of the Pennsylvania Public Utility Code (“Code”), 66 Pa.C.S. § 701. 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 (“I&E”) 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 (transferring authority to prosecute assessment cases to I&E).

3. Complainant is represented by:

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

4. Respondent is Latino Taxi Service LLC, whose primary mailing address is 29 East Broad Street, West Hazelton, PA 18202.

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

6. The Commission issued Respondent a Certificate of Public Convenience at A-2017-2613993 for taxi authority.

7. Section 501(a) of the Public Utility Code, 66 Pa.C.S. § 501(a), authorizes and obligates the Commission to execute and enforce the provisions of the Public Utility Code, its regulations, and orders.

8. Section 701 of the Public Utility 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.

9. Section 3301 of the Public Utility 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 Public Utility Code and/or Commission regulations. Section 3301(a)-(b) of the Public Utility 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).

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

11. 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

12. On April 27, 2022, I&E filed a Formal Complaint against Respondent, at Docket No. C-2022-3029155.

13. The April 27, 2022, Formal Complaint alleged that Respondent committed several violations of the Code and Commission regulations. I&E requested that Respondent be ordered to pay a civil penalty in the amount of \$1,500 for the violations alleged in the Complaint.

14. Respondent did not file an Answer to the April 27, 2022, Formal Complaint. Therefore, on June 24, 2022, the Commission's Secretary's Bureau issued a Secretarial Letter advising Respondent that, due to its failure to file an Answer to the Complaint, the allegations in the Complaint are deemed admitted, and it was assessed a civil penalty of \$1,500.

15. On April 29, 2022, I&E filed a Formal Complaint against Respondent, at Docket No. C-2022-3030955.

16. The April 29, 2022, Formal Complaint alleged that Respondent committed violations of Commission regulations. I&E requested that Respondent be ordered to pay a civil penalty in the amount of \$300 for the violations alleged in the Complaint.

17. Respondent did not file an Answer to the April 29, 2022, Formal Complaint. Therefore, on June 24, 2022, the Commission's Secretary's Bureau issued a Secretarial Letter advising Respondent that, due to its failure to file an Answer to the Complaint, the allegations in the Complaint are deemed admitted, and it was assessed a civil penalty of \$300.

18. On July 13, 2022, I&E filed a Formal Complaint against Respondent, at Docket No. C-2022-3032867.

19. The July 13, 2022, Formal Complaint alleged that Respondent committed violations of Commission regulations. I&E requested that Respondent be ordered to pay a civil penalty in the amount of \$300 for the violations alleged in the Complaint.

20. Respondent did not file an Answer to the July 13, 2022, Formal Complaint. Therefore, on August 24, 2022, the Commission's Secretary's Bureau issued a Secretarial Letter advising Respondent that, due to its failure to file an Answer to the Complaint, the allegations in the Complaint are deemed admitted, and it was assessed a civil penalty of \$300. A copy of the August 24, 2022, Secretarial Letter is attached as I&E Exhibit 1.

21. The August 24, 2022, Secretarial Letter additionally stated that if Respondent disagreed with the determination made within the letter, it may file a Petition for Reconsideration with twenty days of the date of the letter. *See* I&E Exhibit 1. Respondent did not file a Petition for Reconsideration of the August 24, 2022, Secretarial Letter.

22. On December 22, 2022, the Commission's Bureau of Administration sent Respondent a past due notice advising Respondent that it failed to pay the fines assessed to it in Docket Nos. C-2022-3030955, C-2022-3029155, and C-2022-3032867. The notice requested payment of the fines within fourteen (14) days of receipt of the letter. A copy of the December 22, 2022, past due notice is attached as I&E Exhibit 2.

23. On January 10, 2023, the Commission received payment from Respondent of the \$300 fine assessed in C-2022-3030955 and the \$1,500 fine assessed in C-2022-3029155.

24. As of the date of this Formal Complaint, the \$300 fine assessed to Respondent in C-2022-3032867 remains outstanding.

Violation

25. Paragraphs 1-24 above are incorporated herein as if stated in their entirety.

26. Respondent did not file a Petition for reconsideration from the August 24, 2022, Secretarial Letter. Therefore, in accordance with the Commission's regulations, the August 24, 2022, Secretarial Letter became the final action of the Commission. *See* 52 Pa. Code § 5.44(a).

27. Respondent failed to observe, obey, and comply with the August 24, 2022, Secretarial Letter in that it did not pay the \$300 fine assessed to it in the Letter. By failing to observe, obey, and comply with the August 24, 2022, Secretarial Letter, Respondent violated Section 501(c) of the Code, 66 Pa.C.S. § 501(c), which requires public utilities to observe, obey, and comply with Commission orders.

WHEREFORE, for all the foregoing reasons, the Pennsylvania Public Utility

Commission's Bureau of Investigation and Enforcement respectfully requests that:

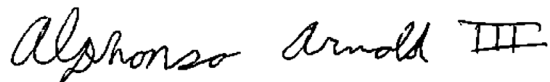
- (a) Respondent be ordered to remit \$300, payable by certified check or money order, to "Commonwealth of Pennsylvania" and sent to:

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

- (b) If payment of the civil penalty is not made, that:

- (1) The Commission issue an Order to cancel the Certificate of Public Convenience issued to Respondent;
- (2) The Commission's Bureau of Administration refer this matter to the Pennsylvania Office of Attorney General for appropriate action; and
- (3) The Commission certify motor vehicle registrations to the Pennsylvania Department of Transportation for suspension or revocation.

Respectfully submitted,



Alphonso Arnold III
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
alphoarno@pa.gov

Date: March 7, 2023

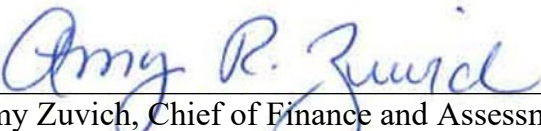
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2023-
	:	
Latino Taxi Service LLC	:	

VERIFICATION

I, Amy Zuvich, Chief of Finance and Assessments, Bureau of Administration, Finance and Assessment Section, 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: March 7, 2023



Amy Zuvich, Chief of Finance and Assessments
Finance and Assessment Section
Bureau of Administration
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

I&E
EXHIBIT 1



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET, HARRISBURG, PA 17120
<http://www.puc.pa.gov>

IN REPLY PLEASE
REFER TO OUR FILE

August 24, 2022

C-2022-3032867

**LATINO TAXI SERVICE LLC
25 EAST BROAD STREET
WEST HAZLETON PA 18202**

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF INVESTIGATION & ENFORCEMENT**

v.

LATINO TAXI SERVICE, LLC

Respondent:

On July 13, 2022, the Bureau of Investigation and Enforcement instituted a Complaint at C-2022-3032867 against Latino Taxi Service, LLC, Respondent, alleging Respondent permitted a driver to operate a vehicle without the use of a meter, a violation of 52 Pa. CS §29.314(a)(7); and, failed to retain a log sheet, a violation of 52 Pa. CS §29.313(c).

The Bureau of Investigation and Enforcement notified Respondent that it must file an Answer to the Complaint in accordance with 52 Pa. Code §5.61, within twenty (20) days of the date of service. The Notice further specified that, if Respondents failed to answer the Complaint within twenty (20) days, the Bureau of Investigation and Enforcement would request the Commission to issue a letter fining Respondents the sum of three hundred (\$300.00) dollars.

The Complaint was sent by certified mail and served on July 16, 2022. To date, more than twenty (20) days later, no response has been received from Respondent.

Respondent is assessed a fine of three hundred (\$300.00) dollars for failure to comply with the provisions of 66 Pa. C.S. 1501 and 52 Pa. Code. Payment must be made by certified check or money order payable to the Commonwealth of PA, and mailed to Pa. Public Utility Commission, 400 North Street, Harrisburg, PA 17120.

Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa. C.S. §§1.1 et seq. and the regulations of the Commission, 52 Pa. Code §§1.1 et seq.

APPEAL RIGHTS

If you disagree with this determination, you may EFile a Petition for Reconsideration from Staff Action (Petition) to the Secretary's Bureau of the PA Public Utility Commission. Such a Petition is a written statement asking the Commission to change its determination.

ALL Parties to proceedings pending before the Commission must open and use an e-filing account through the Commission's website, OR you may submit your filing by overnight delivery. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery.

The Petition must be filed with the Commission within twenty (20) days of the date of this letter. If no timely request for reconsideration is made, this action will be deemed to be the final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request, (2) the case docket number(s) (they are provided for you at the top right-hand corner of this letter), (3) the name of the person on whose behalf the petition is made, (4) copies of relevant documentation, and (5) a verification with original signature. See 52 Pa. Code §§1.31 and 5.44. Below is a sample Verification:

VERIFICATION

I, (YOUR NAME GOES HERE), hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a 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).

(SIGN AND DATE)

If you believe that you have received this letter in error, please contact the Compliance Office of the Motor Carrier Services Division in the Bureau of Technical Utility Services at 717-787-3834 within ten (10) days of the date of this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive, flowing style.

Rosemary Chiavetta,
Secretary

cc: Secretary's Bureau - File

I&E
EXHIBIT 2



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

IN REPLY, PLEASE REFER
TO OUR FILE NUMBER

C-2022-3030955
C-2022-3029155
C-2022-3032867

December 22, 2022

LATINO TAXI SERVICE LLC
25 EAST BROAD STREET
WEST HAZLETON PA 18202

Dear LATINO TAXI SERVICE LLC,

This letter is concerning the Secretarial letter issued regarding a Commission ordered fine. To date the Commission has not received payment regarding this order.

This past due notice is for the following fines:

Docket Number	Date of Order	Balance Due
C-2022-3030955	June 24, 2022	\$300.00
C-2022-3029155	June 24, 2022	\$1,500.00
C-2022-3032867	August 24, 2022	\$300.00

Within 14 days of receipt, please mail payment to the above address and include the docket numbers on the check.

Sincerely,

A handwritten signature in black ink that reads 'Robert C. Gramola'.

Robert C. Gramola
Director of Administration

Cc: Utility File

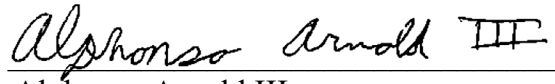
**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	Docket No. C-2023-
	:	
Latino Taxi Service LLC	:	

CERTIFICATE OF SERVICE

I hereby certify that I am serving the foregoing **Formal Complaint** in the manner and upon the persons listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by party):

Served via Certified Mail
Latino Taxi Service LLC
25 East Broad Street
West Hazleton PA 18202



Alphonso Arnold III
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

Dated: March 7, 2023