



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

August 1, 2024

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.
J J Serafin, Inc. T/A AAAA Limo & AAAA Transit
Docket No. C-2024-3049873
I&E Reply to New Matter

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Reply to New Matter of the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission in the above-referenced matter.

Copies are being served on the parties of record in accordance with the attached Certificate of Service.

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

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Rosul', written over a light blue horizontal line.

Grant Rosul
Prosecutor
Bureau of Investigation and Enforcement
PA Attorney ID No. 318204
(717) 783-5243
grosul@pa.gov

GR/ac
Enclosures

cc: Michael L. Swindler, Deputy Chief Prosecutor, I&E-Enforcement (*via email*)
As per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3049873
	:	
J J Serafin, Inc. T/A AAAA Limo & AAAA	:	
Transit,	:	
Respondent	:	

**BUREAU OF INVESTIGATION AND ENFORCEMENT
REPLY TO NEW MATTER OF
J J SERAFIN, INC. T/A AAAA LIMO & AAAA TRANSIT**

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”), Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorney, and files this Reply to New Matter of J J Serafin, Inc. T/A AAAA Limo & AAAA Transit (“Respondent”), pursuant to 52 Pa. Code § 5.63(a). The purpose of New Matter in response to a Complaint is to “set forth ... another material fact which is not merely a denial of the averments of the preceding pleading” or to raise affirmative defenses. 52 Pa. Code § 5.62(b). In support of its Reply to New Matter, I&E avers as follows:

- 30. Admitted.
- 31. Admitted.
- 32. Admitted.
- 33. Admitted.
- 34. Admitted in part and Denied in part. I&E admits that Respondent provided transportation of inmates housed at the Luzerne County Correctional Facility from said

correctional facility to employers and back as part of a work release program. I&E denies Respondent's New Matter at Paragraph 34 insofar as the transportation provided for the work release program was "as described in paragraphs 14 and 17 of [Respondent's] Answer." I&E further denies that the Respondent's intrastate trips between July 11, 2023, and March 12, 2024, were limited to the two employers and the Luzerne County Correctional Facility, as asserted in Paragraph 17 of Respondent's Answer and referenced or incorporated into Respondent's New Matter at Paragraph 34.

35. Admitted.

36. Admitted.

37. Admitted.

38. Admitted.

39. Admitted.

40. Admitted.

41. Admitted.

42. Admitted. I&E agrees that Respondent was cooperative during the course of its investigation.

43. I&E is without sufficient information to Admit or Deny this averment by Respondent.

44. Admitted.

45. Admitted.

46. Admitted.

47. Denied. The averment that the Commission does not have jurisdiction over transportation services offered by state instrumentalities, municipal authorities, or municipal

corporations within their corporate limits is a legal conclusion to which no response is required. To the extent a response is required, it is denied.

48. Denied. The averment that Luzerne County would not be subject to the jurisdiction of the Commission if it operated its own transportation to transport work release inmates is a legal conclusion to which no response is required. To the extent a response is required, it is denied.

49. Denied. The averment that third parties providing transportation on behalf of state instrumentalities, municipal authorities, or municipal corporations within their corporate limits are exempt from Commission jurisdiction is a legal conclusion to which no response is required. To the extent a response is required, it is denied.

50. Admitted in part and Denied in part. It is admitted that some of the trips provided by Respondent were undertaken as part of the Luzerne County Correctional Facility's work release program. It is denied insofar as it is implied that the work release trips are the only intrastate trips for compensation that Respondent undertook during the period in which it did not possess a certificate of public convenience from the Commission.

51. Admitted in part and Denied in part. It is admitted that Respondent transported inmates from the Luzerne County Correctional Facility to their employers and back again as part of the work release program. It is denied insofar as it is implied that the work release trips are the only intrastate trips for compensation that Respondent undertook during the period in which it did not possess a certificate of public convenience from the Commission.

52. Denied. The averment that a third party providing transportation pursuant to a county prison's work release program is not within the Commission's jurisdiction is a legal conclusion to which no response is required. To the extent that a response is required, it is denied.

53. Denied. This averment is a restatement of the Commission's factors and standards in evaluating litigated and settled cases, 52 Pa. Code § 69.1201(a). No response is required. To the extent a response is required, it is denied. By way of further response, this averment does not constitute New Matter, as it is neither a material fact nor an affirmative defense.

54. Denied. This averment is a conclusion of law to which no response is required. To the extent that a response is required, it is denied. By way of further response, this averment does not constitute New Matter, as it is neither a material fact nor an affirmative defense.

55. Denied. This averment does not constitute New Matter, as it is neither a material fact nor an affirmative defense.

WHEREFORE, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that the Office of Administrative Law Judge and the Commission reject the New Matter raised by J J Serafin, Inc. T/A AAAA Limo & AAAA Transit, dismiss Respondent's Answer, and sustain I&E's Complaint.

Respectfully submitted,



Grant Rosul
Prosecutor
PA Attorney ID No. 318204

Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120
(717) 783-5243
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Date: August 1, 2024

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3049873
	:	
J J Serafin, Inc. T/A AAAA Limo & AAAA	:	
Transit,	:	
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VERIFICATION

I, Brian Mehus, Chief of the Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement, Motor Carrier 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 that the Bureau of Investigation and Enforcement 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: August 1, 2024



Brian Mehus
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Motor Carrier Enforcement
400 North Street
Harrisburg, PA 17120

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PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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J J Serafin, Inc. T/A AAAA Limo & AAAA	:	
Transit,	:	
Respondent	:	

CERTIFICATE OF SERVICE

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

Service by Electronic Mail

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Counsel for J J Serafin, Inc. T/A AAAA Limo & AAAA Transit



Grant Rosul
Prosecutor
PA Attorney ID No. 318204

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Dated: August 1, 2024