



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

BUREAU OF  
INVESTIGATION  
&  
ENFORCEMENT

February 10, 2025

***Via Electronic Filing***

Secretary Rosemary Chiavetta  
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 Exceptions**

Dear Secretary Chiavetta:

Enclosed for electronic filing are the **Exceptions** of the Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission in the above-referenced matter.

Copies have been served on the parties of record in accordance with the Certificate of Service. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in blue ink, appearing to read 'G. Rosul', is written over a light blue circular stamp.

Grant Rosul  
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GR/jfm  
Enclosures

cc: Per Certificate of Service  
Michael L. Swindler, Deputy Chief Prosecutor (*via email* – [mwindler@pa.gov](mailto:mwindler@pa.gov))  
Administrative Law Judge F. Joseph Brady (*via email* – [fbrady@pa.gov](mailto:fbrady@pa.gov))  
Office of Special Assistants (*via email* – [ra-OSA@pa.gov](mailto:ra-OSA@pa.gov))

**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	:	

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**EXCEPTIONS OF THE  
BUREAU OF INVESTIGATION AND ENFORCEMENT**

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Grant Rosul  
Prosecutor  
PA Attorney ID No. 318204

Michael L. Swindler  
Deputy Chief Prosecutor  
PA Attorney ID No. 43319

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

Dated: February 10, 2025

## I. INTRODUCTION

On January 21, 2024, Administrative Law Judge F. Joseph Brady (“ALJ”) issued the Initial Decision in the instant proceeding. The Initial Decision grants the Formal Complaint filed on July 1, 2024, (“Complaint”) by the Commission’s Bureau of Investigation and Enforcement (“I&E”) but assessed a civil penalty lower than that requested by I&E and failed to take into consideration unrebutted evidence admitted into the record relating to certain intrastate trips for compensation undertaken by Respondent when it was not in possession of a Certificate of Public Convenience. Additionally, the Initial Decision does not utilize the Factors and Standards for Evaluating Litigated and Settled Proceedings Involving Violations of the Public Utility Code and Commission Regulations at 52 Pa. Code § 69.1201, also known as the *Rosi* factors, and faulted I&E for not undertaking such an analysis. The Initial Decision orders:

1. That the Formal Complaint of the Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement, at Pennsylvania Public Utility Commission v. J J Serafin Inc. t/a AAAA Limo & AAAA Transit at Docket No. C-2024-3049873, is hereby granted.
2. That within 30 days after entry of the Commission’s Final Order in this case, J J Serafin Inc. t/a AAAA Limo & AAAA Transit, shall pay a civil penalty of Five Thousand Four Hundred Ten Dollars (\$5,410) pursuant to Sections 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, by sending a certified check or money order.
3. That J J Serafin Inc. t/a AAAA Limo & AAAA Transit shall cease and desist from further violations of the Public Utility Code, 66 Pa.C.S. §§101–3316, and the regulations of this Commission, 52 Pa. Code §§1.1–1065.1.

These Exceptions are filed pursuant to 52 Pa. Code § 5.533. I&E does not take exception to the granting of the Complaint. In fact, that is the correct result. Rather, these exceptions are filed based on the failure of the Initial Decision to take into consideration the

unrebutted evidence offered by I&E and in calculating the civil penalty imposed upon Respondent.

## II. I&E EXCEPTIONS

### 1. The Initial Decision erred in imposing a civil penalty of only \$5,410.

I&E respectfully submits that the Initial Decision erred in imposing a civil penalty of only \$5,410. This amount is insufficient to deter the Respondent, and others who may similarly act as common carriers of passengers without authority from the Commission, from so acting. The Initial Decision failed to take into account the totality of the trips taken by Respondent when it did not possess a Certificate of Public Convenience. Even if the Commission leaves unchanged the Initial Decision's methodology of calculating the civil penalty based on certain invoices from November and December 2023 trips, the Initial Decision incorrectly calculated the total revenue received by Respondent from those trips and the civil penalty should be modified accordingly.

“On review of the initial decision, the Commission has all the powers which it would have in making the initial decision.”<sup>1</sup> The Commission, not the administrative law judge, is the ultimate fact finder in proceedings before it, and is charged with the responsibility of considering all relevant evidence and of determining the weight of the evidence, the credibility of witnesses, and the reliability of estimates and opinions.<sup>2</sup> Once exceptions are filed to an ALJ's Initial Decision, the Commission may review the ALJ's decision in its entirety without limit.<sup>3</sup> Thus, the Commission has full authority to disregard the initial

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<sup>1</sup> 66 Pa.C.S. § 335(a).

<sup>2</sup> *Hess v. Pennsylvania Pub. Util. Comm'n*, 107 A.3d 246 (Pa. Commw. Ct. 2014); *York Water Company v. Pennsylvania Pub. Util. Comm'n*, 414 A.2d 138 (Pa. Commw. Ct. 1980); *Pennsylvania Communities Organizing for Change, Inc. v Pub. Util. Comm'n*, 89 A.3d 338 (Pa. Commw. Ct. 2014).

<sup>3</sup> *Romero v. Pennsylvania Pub. Util. Comm'n*, 154 A.3d 422 (Pa. Commw. Ct. 2017).

decision of the administrative law judge and overrule it if the Commission reaches a contrary result, even where the administrative law judge's decision is eminently reasonable.<sup>4</sup>

In reaching the determination that a civil penalty of only \$5,410 is an appropriate sanction to assess against Respondent, the Initial Decision took into consideration only the revenue generated by certain trips undertaken by Respondent in November and December 2023. The un rebutted evidence presented at the hearing by I&E showed, and the Initial Decision recognized, that “the Respondent operated without a Certificate of Public Convenience between July 11, 2023, and March 12, 2024 for a total of 245 days.”<sup>5</sup> The Initial Decision acknowledged that “the Commission is authorized to impose a maximum civil penalty of \$245,000.”<sup>6</sup> However, in reaching the \$5,410 figure for the civil penalty, the Initial Decision did not make reference to any of the illegal trips taken between July 2023 and March 2024, with the exception of certain trips undertaken in November and December 2023 for which invoices were obtained by the Commission’s Motor Carrier Division.

The Initial Decision concluded that “[a]t a bare minimum, the Respondent should not be allowed to profit from operating without a Certificate of Public Convenience.”<sup>7</sup> I&E agrees with this sentiment, but to correctly calculate how much Respondent “profited” from its illegal behavior, all of the intrastate trips for compensation undertaken between July 11, 2023, and March 12, 2024, when Respondent did not possess a Certificate of Public Convenience from the Commission, must also be considered.

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<sup>4</sup> *AT & T Commc'ns of Pennsylvania v. Pennsylvania Pub. Util. Comm'n*, 568 A.2d 1362 (Pa. Commw. Ct. 1990) citing to *East Goshen Township v. Pennsylvania Pub. Util. Comm'n*, 486 A.2d 550 (Pa. Commw. Ct. 1985).

<sup>5</sup> *Pa. Pub. Util. Comm'n, Bureau of Investigation and Enforcement v. J J Serafin, Inc. t/a/ AAAA Limo & AAAA Transit*, C-2024-3049873 (Initial Decision entered January 21, 2025) at 8; *Id.*, Finding of Fact 10, at 4-5.

<sup>6</sup> *Id.* at 8.

<sup>7</sup> *Id.* at 8-9.

Although I&E did not proffer evidence regarding how much Respondent received for its other illegal trips, Respondent certainly received at least some revenue from such activity. Respondent admitted it undertook the trips for compensation in its response to I&E's data request and provided a log of those trips it provided. This response and the trip log were admitted into evidence as I&E Exhibit 3. The trip log documenting Respondent's illegal trips between July 11, 2023, and March 12, 2024, should have been considered when imposing a civil penalty.

It is the position of I&E that, regardless of how much or how little profit a party operating as a common carrier of persons without Commission authority earns, the civil penalty for such behavior should be large enough to deter future violations. Being required to give up only a portion of its ill-gotten gains is hardly a sufficient penalty to deter future violations. The Initial Decision accepted that Respondent's "intentional conduct of operating without proper authority for this duration of time is of a serious nature and concern." However, the civil penalty imposed by the Initial Decision fails to sufficiently penalize this conduct or deter its recurrence.

Additionally, the manner in which the Initial Decision determined the penalty — by revenue from the November and December 2023 trips — was incorrectly calculated. The actual revenue earned by Respondent during the November and December trips totals \$12,380 — much closer to the \$12,500 sought by I&E in its Complaint. The individual invoices provided to the Commission's Motor Carrier Division, and admitted into evidence as I&E Exhibit 2, show the following:

1. Invoice 2023122 – Rad Wood Products – 11/27/23 – 12/2/23 - \$1,750
2. Invoice 2023129 – Rad Wood Products – 12/4/23 – 12/9/23 - \$1,750

3. Invoice 20231216 – Rad Wood Products – 12/11/23 – 12/16/23 - \$2,100
4. Invoice 20231223 – Rad Wood Products – 12/18/23 – 12/23/23 - \$2,100
5. Invoice 2023128 – Leggett & Platt, Inc. – 12/4/23 – 12/7/23 - \$1,560
6. Invoice 20231215 – Leggett & Platt, Inc. – 12/11/23 – 12/14/23 - \$1,560
7. Invoice 20231222 – Leggett & Platt, Inc. – 12/18/23 – 12/21/23 - \$1,560

The Initial Decision provided that “the evidence shows that the Respondent received a total \$5,410.00 during the period in question.”<sup>8</sup> However, as can be seen from the invoices admitted into evidence, this is an inaccurate statement. The evidence shows that Respondent received \$12,380 during the period from November 27, 2023, to December 21, 2023, from two clients. Even under the rationale of the Initial Decision —relating the civil penalty to the November and December invoices — a larger civil penalty in this matter is warranted.

The Initial Decision also faulted I&E for not relating its request for a \$12,500 civil penalty to the *Rosi* factors, found at 52 Pa. Code § 69.1201. While I&E did not provide a rote examination of each factor and explain how it was applicable to the instant case, I&E emphasized the seriousness of Respondent’s conduct in operating without a Certificate of Public Convenience for a roughly 8-month time period.<sup>9</sup> In the view of I&E, this is the penultimate factor or reason justifying a \$12,500 civil penalty.

I&E also acknowledged that Respondent was cooperative during the course of the investigation, as it provided timely and responsive answers to I&E’s Data Request.<sup>10</sup> However, the egregiousness of Respondent’s conduct in operating for so long and providing

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<sup>8</sup> Id. at 9.

<sup>9</sup> *Pa. Pub. Util. Comm’n, Bureau of Investigation and Enforcement v. J J Serafin, Inc. t/a/ AAAA Limo & AAAA Transit*, C-2024-3049873 (hearing transcript at 18, 3-10).

<sup>10</sup> Id. (hearing transcript at 16, 17-24).

a large number of trips for compensation while it was uncertificated warrants a larger civil penalty than that imposed by the Initial Decision.

I&E did not touch on every *Rosi* factor because some of the factors were either self-evident or not applicable. For instance, I&E did not discuss Respondent's conduct being intentional because it was obvious that the conduct was intentional. Further, "[t]he number of customers affected and the duration of the violation"<sup>11</sup> was provided by the log sheet and the testimony of Officer Ebbert. Other factors, such as compliance history, were considered by I&E to neither add to nor subtract from Respondent's culpability in relation to the great weight of the seriousness of operating for such a duration without Commission authority and were therefore left unremarked.

Similarly, although it restated the *Rosi* factors, the Initial Decision did not relate the \$5,410 civil penalty to those factors. The Initial Decision only took into consideration the amount of revenue received by Respondent for some of its illegal trips to arrive at that figure for the civil penalty. As discussed *infra*, the Initial Decision failed to take into account the entirety of the evidence of Respondent's other illegal trips and miscalculated the revenue received by Respondent for the trips for which invoices were provided to the Commission's Motor Carrier Division.

I&E files this Exception to the civil penalty imposed upon Respondent. Respondent knew it was operating without Commission authority, and the Initial Decision recognized that fact. Operating as a common carrier of persons without a Certificate of Public Convenience is a serious matter. The civil penalty imposed, which totals less than half of its

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<sup>11</sup> 52 Pa. Code § 69.1201(c)(5).

revenue from two clients over a one-month period of its illegal operation, is insufficient to act as a deterrent to such conduct. Therefore, I&E requests that the Commission substitute its own judgment for that of the ALJ and impose a civil penalty against Respondent in the amount of \$12,500.

### III. CONCLUSION

For the reasons set forth above, I&E respectfully requests that the Commission adopt the Initial Decision's ultimate conclusion granting I&E's Formal Complaint but set aside the Initial Decision's \$5,410 civil penalty and instead impose a \$12,500 civil penalty.

Respectfully submitted,



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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 **Exceptions of the Bureau of Investigation and Enforcement** dated February 10, 2025, 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 and Electronic Mail:**

J J Serafin Inc. t/a AAAA Limo & AAAA Transit  
Attn: Mark T. Serafin  
14 Dennison St.  
Forty Fort, PA 18704  
[AAAALimoInc@gmail.com](mailto:AAAALimoInc@gmail.com)



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