

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	C-2024-3044158
v.	:	
	:	
Latino Taxi Service LLC	:	

**ORDER DENYING MOTION FOR DEFAULT JUDGMENT**

This Order denies the Motion for Default Judgment filed by the Bureau of Investigation and Enforcement and directs Latino Taxi Service LLC to: (1) file an Amended Answer to the Complaint in conformance with the Commission’s regulations; and (2) have an attorney licensed to practice in the Commonwealth of Pennsylvania enter an appearance no later than 3:30 p.m. ten days prior to an evidentiary hearing.

**HISTORY OF THE PROCEEDING**

On or about December 7, 2017, the Pennsylvania Public Utility Commission (Commission) issued Latino Taxi Service, LLC (Respondent) a Certificate of Public Convenience for common carrier passenger service providing local transportation on either an exclusive or nonexclusive basis, with service characterized by passengers hiring the vehicle and its driver either by telephone call or by hail, or both. *In Re: Application of Latino Taxi Service, LLC*, Docket No. A-2017-2613993. The granted authority was issued at Certificate of Public Convenience, A-6320054.

On January 10, 2024, the Commission’s Bureau of Investigation and Enforcement (I&E), by and through its Motor Carrier Enforcement section, filed a Complaint with the Commission alleging that Respondent: (1) allowed a vehicle to be operated with an expired Pennsylvania state inspection sticker, in violation of Sections 29.403 and 29.405 of the

Commission’s regulations; (2) failed to have a current criminal history on file, in violation of Section 29.505 of the Commission’s regulations; (3) failed to have a driver’s current criminal history on file, in violation of Section 29.505 of the Commission’s regulations; and (4) failed to retain completed log sheets, in violation of Section 29.313 of the Commission’s regulations. 52 Pa. Code §§ 29.313(c), 29.403(8), 29.405, 29.505, 29.505(b)(2).

For relief, I&E requested that the Commission order Respondent to pay a civil penalty in the amount of \$350.

On January 10, 2024, the Commission attempted service of the Complaint on Respondent by certified mail to 25 East Broad Street, West Hazleton, Pennsylvania, 18202.

The United States Postal Service returned the Complaint, marked undeliverable, to the Commission.

On February 24, 2024, I&E caused the Complaint by publication in the *Pennsylvania Bulletin* at 54 Pa.B. 1028. The Complaint included a “Notice” section, advising Respondent:

You must file an Answer<sup>1</sup> within twenty (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 Cover Letter for this Complaint and Notice, 52 Pa. Code § 1.56(a). An Answer is a written explanation of circumstances wished to be considered in determining the outcome. The Answer shall raise all factual and legal arguments that you wish to claim in your defense . . . .

Compl. ¶ A.

The Notice further advised:

If you file an Answer which contests the Complaint, the matter will

---

<sup>1</sup> Section 5.61 of the Commission’s regulations, which provides detailed instructions regarding the form of an answer is not referenced in the “Notice” section. 52 Pa. Code § 5.61.

be assigned to an Administrative Law Judge for hearing and decision.

Compl. ¶ F.

On March 11, 2024, the Respondent filed responsive documents that the Secretary's Bureau deemed an "Answer to BIE Commission Complaint."

On July 9, 2025, Counsel for I&E entered an appearance.

On August 15, 2025, the Commission issued an in-person hearing notice, setting this matter for an evidentiary hearing to be held on October 6, 2025.

On August 15, 2025, I issued a prehearing order that set forth the rules that would govern the October 6, 2025 hearing.

On August 25, 2025, I&E filed a Motion for Default Judgment (Motion) against the Respondent, in which I&E requested that the Commission sustain the Complaint due to the Respondent's failure to file an answer to the Complaint.

A Notice to Plead endorsed the Motion, which informed Respondent to file a written response to the Motion within 20 days from the date of service of the Motion.

Respondent did not file a written response to the Motion.

For the reasons stated below, I deny I&E's Motion.

## DISCUSSION

### *Motion for Default Judgment*

I&E predicated the Motion for Default Judgment on the allegation that Respondent failed to file an Answer to the Complaint. I&E argued that pursuant to Section 5.61(c) of the Commission's regulations, a respondent who fails to file an answer to a complaint within the 20-day response period may be deemed in default, and the relevant facts stated in the complaint may be deemed admitted. 52 Pa. Code § 5.61(c). Additionally, I&E argued the Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within 20 days, citing *Fusaro v. Pa. Pub. Util. Comm'n*, 382 A.2d 794 (Pa. Cmwlth. 1978). Therefore, I&E requested the allegations raised in the Complaint be deemed admitted and the Complaint sustained.

I&E's arguments fail, because Respondent did file an Answer, on March 11, 2024, thus within 20 days of the service date of the Complaint, as service was effectuated via the *Pennsylvania Bulletin* on February 24, 2024. I&E took no further action in this proceeding until I&E counsel entered an appearance on July 9, 2025, and again on August 25, 2025, when I&E filed the Motion.

Upon review of the documents filed by Respondent, I interpret them to be responsive to I&E's allegations regarding Respondent's alleged: (1) failure to have a current criminal history on file; (2) failure to have a driver's current criminal history on file; and (3) failure to retain completed log sheets. Thus, I disagree with I&E that Respondent failed to file an answer, albeit substance over form. Moreover, the Secretary's Bureau docketed Respondent's filing as "Answer to BIE Commission Complaint," causing the instant matter to be assigned to the Office of Administrative Law Judge for adjudication.

*Answers*

Respondent's Answer, filed on March 11, 2024, does not conform to Section 5.61 of the Commission's regulations. 52 Pa. Code § 5.61(b). Section 5.61 of the Commission's regulations provide, in part:

\*\*\*

(b) *Form of answers to complaints.* The answer must be in writing and:

- (1) Set forth in paragraphs numbered to correspond with the complaint.
- (2) Advise the parties and the Commission as to the nature of the defense.
- (3) Admit or deny specifically all material allegations of the complaint.
- (4) State concisely the facts and matters of law relied upon.
- (5) Include a copy of a document, or the material part of a document when relied upon in the answer. If the writing or a copy is not available, the answer must set forth that the document is not available and the reason, and set forth the substance of the document.

52 Pa. Code § 5.61(b).

I direct Respondent to file an Amended Answer in conformance with the Commission's regulations within 30 days of the date of this Order. Respondent shall further comply with service requirements, by serving a copy of the Amended Answer on counsel for I&E. *See* 52 Pa. Code § 1.54.

*Representation*

As a limited liability company, Latino Taxi Service LLC must be represented by an attorney licensed to practice law in Pennsylvania or admitted *pro hac vice*. 52 Pa. Code §§

1.21, 1.22. Thus, Latino Taxi Service LLC is directed to have an attorney licensed to practice in the Commonwealth of Pennsylvania enter an appearance no later than 3:30 p.m. ten days prior to an evidentiary hearing.

*Conclusion*

I deny I&E's Motion. I further direct Respondent to: (1) file an Amended Answer in conformance with the Commission's regulations; and (2) have an attorney licensed to practice in the Commonwealth of Pennsylvania enter an appearance later than 3:30 p.m. ten days prior to an evidentiary hearing. 52 Pa. Code §§ 1.21, 1.22, 5.61(b). Lastly, I remind the Parties of the Commission's policy to encourage settlements. 52 Pa. Code § 5.231(a).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Motion for Default Judgment filed by the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission against Latino Taxi Service LLC, at Docket No. C-2024-3044158, is denied.

2. That Respondent, Latino Taxi Service LLC, is directed to file an Amended Answer in conformance with the Commission's regulations within 30 days of the date of this Order.

3. That Respondent, Latino Taxi Service LLC, is directed to have an attorney licensed to practice in the Commonwealth of Pennsylvania enter an appearance no later than 3:30 p.m. ten days prior to an evidentiary hearing. The entry of appearance shall be filed and served contemporaneously upon counsel for I&E and the Presiding Officer.

4. That the in-person evidentiary hearing scheduled for October 6, 2025 at 9:00 a.m., be converted to a telephonic prehearing conference at the same date and time.



**C-2024-3044158 - BUR OF INVESTIGATION & ENFORCEMENT v. LATINO TAXI SERVICE LLC**

LATINO TAXI SERVICE LLC  
25 EAST BROAD STREET  
WEST HAZLETON PA 18202  
[latinotaxi809@hotmail.com](mailto:latinotaxi809@hotmail.com)

Served via USPS First-class mail September 23, 2025  
Served via email September 23, 2025

GRANT ROSUL COUNSEL  
PUBLIC UTILITY COMMISSON  
400 NORTH STREET  
3RD FLOOR  
HARRISBURG PA 17120  
**717.783.5243**

[grosul@pa.gov](mailto:grosul@pa.gov)  
Served via eService September 23, 2025

ANN SCOTT WESLOWSKI  
PUC BUREAU OF INVESTIGATION & ENFORCEMENT  
400 NORTH STREET  
HARRISBURG PA 17120  
**570.963.4590**

[aweslowski@pa.gov](mailto:aweslowski@pa.gov)  
Served via eService September 23, 2025