



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

BUREAU OF
INVESTIGATION
&
ENFORCEMENT

October 31, 2025

Via Electronic Filing

Matthew L. Homsher, 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-2024-3044158
I&E Motion for Summary Judgment

Dear Secretary Homsher:

Enclosed for electronic filing please find the Bureau of Investigation and Enforcement's Motion for Summary Judgment 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 blue ink, appearing to read 'G. Rosul', is 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/nb
Enclosures

cc: Emily A. Farren, Administrative Law Judge (*via email* – efarren@pa.gov)
Per Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	Docket No. C-2024-3044158
	:	
Latino Taxi Service LLC,	:	
Respondent	:	

NOTICE TO PLEAD

The Bureau of Investigation and Enforcement (“I&E”) of the Pennsylvania Public Utility Commission (“Commission”) has filed a Motion for Summary Judgment in the above-captioned matter, pursuant to the Commission’s regulations at 52 Pa. Code § 5.103. You are hereby notified to file a written response within twenty (20) days of the service of the Motion, consistent with 52 Pa. Code § 5.61.

Your Answer must be verified, pursuant to 52 Pa. Code § 1.36, and the original sent to:

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Additionally, you must serve a copy on the undersigned prosecutor.



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
grosul@pa.gov

Dated: October 31, 2025

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
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	:	
Latino Taxi Service LLC,	:	
Respondent	:	

MOTION FOR SUMMARY JUDGMENT

NOW COMES the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation and Enforcement (“I&E”), by its prosecuting attorney, and files this Motion for Summary Judgment pursuant to Section 5.102(a) of the Commission’s regulations, 52 Pa. Code § 5.102(a), as there is no dispute of material facts and I&E is entitled to judgment as a matter of law. In support thereof, I&E respectfully represents as follows:

I. INTRODUCTION AND BACKGROUND

1. I&E is the bureau established to take enforcement actions against public utilities and other entities subject to the Commission’s jurisdiction 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 (August 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

2. Latino Taxi Service LLC is a jurisdictional utility providing call or demand service pursuant to its authority granted by the Commission at A-2017-2613993.

3. I&E's Motor Carrier Division commenced this action on January 10, 2024, by filing a Complaint against Respondent alleging violations of the Public Utility Code and the Commission's regulations.

4. The Complaint alleged that Respondent violated 52 Pa. Code § 29.405 by allowing a vehicle to be operated with an expired Pennsylvania state inspection sticker, violated 52 Pa. Code § 29.504 for failing to have a current driver history on file for a driver, violated 52 Pa. Code § 29.505(b)(2) for failing to have a driver's current criminal history on file, and violated 52 Pa. Code § 29.313(c) for failing to retain completed log sheets.

5. On January 10, 2024, the Complaint was first served on Respondent by certified mail to 25 East Broad Street, West Hazleton, PA 18202.

6. The Complaint was returned to the Commission by the United States Postal Service.

7. On February 24, 2024, the Complaint was published in the *Pennsylvania Bulletin* at 54 Pa.B. 1028, accomplishing service pursuant to 52 Pa. Code § 1.53(e).

8. Attached to the Complaint was a Notice advising Respondent that it must file an Answer within twenty (20) days of service of the Complaint.

9. The Notice also advised Respondent that if it failed to answer the Complaint, I&E would request that the Commission issue an Order imposing the penalty set forth in the Complaint.

II. PROCEDURAL BACKGROUND

10. On or about March 11, 2024, Respondent mailed to the Commission's Secretary's Bureau a stack of papers which included what appears to be a driver's log dated November 7, 2023, a receipt of a vehicle safety inspection for a 2014 Chevrolet sedan dated

March 6, 2024, a criminal record check for Juan Tavaréz dated March 6, 2024, and a driver's history generated from the Pennsylvania Department of Transportation website for Juan Tavaréz dated March 6, 2024.

11. The documents mailed to the Secretary's Bureau were marked as an "Answer" to the Complaint.

12. On July 9, 2025, the undersigned prosecutor entered an appearance in this matter on behalf of I&E.

13. On August 15, 2025, the Presiding Officer in this matter issued an Initial Hearing Notice, scheduling this matter for a hearing on October 6, 2025.

14. On August 25, 2025, I&E filed a Motion for Default Judgment against Respondent.

15. On September 22, 2025, the Presiding Officer in this matter issued an order converting the October 6, 2025, hearing to a telephonic prehearing conference.

16. On September 23, 2025, the Presiding Officer in this matter issued an order denying I&E's Motion for Default Judgment, finding the Respondent's documents provided to the Secretary's Bureau constituted an Answer ("September 23 Order").

17. The September 23 Order also directed Respondent to obtain counsel to represent it in this matter and to file an amended Answer that was in conformity with the Commission's regulations governing the filing of an Answer to a Complaint, within 30 days of the date of the Order.

18. The September 23 Order further directed I&E to contact the Respondent at least one week prior to the prehearing conference.

19. In compliance with the September 23 Order, the undersigned prosecutor made contact with Respondent via telephone on or about September 26, 2025.

20. The undersigned prosecutor was told by the receptionist that the owner of the company was busy and would return I&E's phone call later.

21. On or about September 29, 2025, the undersigned prosecutor contacted the Respondent via email to follow up on the earlier phone call.

22. In this email, the undersigned prosecutor offered to settle this matter for a civil penalty that would have been less than the amount requested in the Complaint.

23. In this email, the undersigned prosecutor additionally reminded Respondent of the upcoming prehearing conference.

24. On October 6, 2025, a prehearing conference in this matter was held telephonically.

25. Respondent did not attend the October 6, 2025, prehearing conference.

26. As of October 30, 2025, Respondent failed to file an amended Answer to the Complaint, as directed by the September 23 Order, failed to obtain counsel, and failed to pay the civil penalty to satisfy the Complaint.

III. ARGUMENT

A. Summary Judgment Standard

27. The Commission's Rules of Administrative Practice and Procedure permit parties to file preliminary motions. 52 Pa. Code §§ 5.101-103. Specifically, the Commission's regulations at 52 Pa. Code § 5.102(a) permit any party to move for summary judgment after the pleadings are closed, but within such time as not to delay a hearing.

A motion for summary judgment must be based on the pleadings, depositions, answers to

interrogatories, admissions, and supporting affidavits. 52 Pa. Code § 5.102(c). “Documents not already filed with the Commission shall be filed with the motion.” *Id.* The presiding officer must grant a motion for summary judgment if the pleadings, depositions, answers to interrogatories, admissions, and affidavits show that there is no genuine issue as to a material fact and that the moving party is entitled to judgment as a matter of law.

52 Pa. Code § 5.102(d)(1).

28. Summary judgment is properly granted where the pleadings, depositions, answers to interrogatories and admissions on file, together with the affidavits, if any, show that there is no genuine issue of material fact and the moving party is entitled to a judgment as a matter of law. *Pennsylvania State Univ. v. County of Centre*, 615 A.2d 303, 304 (Pa. 1992).

29. In the case of a motion for summary judgment, the moving party bears the burden of showing that no genuine issue of material fact exists and that it is entitled to a judgment as a matter of law. The Commission must view the record in the light most favorable to the non-moving party, giving that party the benefit of all reasonable inferences. *First Mortgage Co. of Pennsylvania v. McCall*, 459 A.2d 406, 407 (Pa. Super. 1983).

All doubts as to the existence of a genuine issue of material fact must be resolved against the moving party. *Thomson Coal Company v. Pike Coal Company*, 412 A.2d 466, 469 (Pa. 1979). Summary judgment will be granted only where the right is clear and free from doubt. *Id.* at 468.

30. The non-moving party in a motion for summary judgment must allege facts showing that an issue for trial exists. *Stover v. The United Telephone Company of Pennsylvania*, Docket No. C-00923833 (Order entered July 21, 1992, adopting Initial

Decision issued June 1, 1992). The Commission has interpreted 52 Pa. Code § 5.102(c) in conformity with Rule 1035 (now Rule 1035.1) of the Pennsylvania Rules of Civil Procedure. *South River Power Partners, L.P. v. West Penn Power Company*, Docket No. C-00935287 (Order entered November 6, 1996) at 13. In civil practice, a non-moving party may not rely solely upon denials in its pleadings but must submit some materials to establish that a genuine issue of material facts exists. *Nicastro v. Cuyler*, 467 A.2d 1218, 1220 (Pa. Cmwlth. 1983); *Pennsylvania Gas & Water Co. v. Nenna & Frain, Inc.*, 467 A.2d 330, 333-334 (Pa. Super. 1983); *Geriot v. Council of Borough of Darby*, 457 A.2d 202, 204 (Pa. Cmwlth. 1983); see also, Pa. R.C.P. 1035.3(d), providing that “[s]ummary judgment may be entered against the non-moving party who does not respond.”

31. The provision at 52 Pa. Code § 5.102(c) serves judicial economy by avoiding a hearing where no factual dispute exists. If no factual issue pertinent to the resolution of a case exists, a hearing is unnecessary. *Lehigh Valley Power Committee v. Pa. Pub. Util. Comm’n*, 563 A.2d 557 (Pa. Cmwlth. 1989); *S.M.E. Bessemer Cement, Inc. v. Pa. Pub. Util. Comm’n*, 540 A.2d 1006 (Pa. Cmwlth. 1988); *White Oak Borough Authority v. Pa. Pub. Util. Comm’n*, 103 A.2d 502 (Pa. Super. 1954).

B. Respondent was Plainly in Violation the Commission’s Regulations as Detailed in the Complaint

32. On November 23, 2023, Motor Carrier Enforcement Officer Neal Ebbert (“Officer Ebbert”) conducted an investigation of Latino Taxi Service LLC taxi #129 pursuant to a customer complaint that Respondent had not used a meter during a trip.

33. During the investigation, Officer Ebbert conducted an inspection of the taxi.

34. While conducting the inspection, Officer Ebbert noticed that Respondent’s taxi #129 did not have a valid state inspection sticker.

35. A taxi not possessing a valid state inspection sticker is a violation of 52 Pa. Code § 29.405.

36. Officer Ebbert then proceeded to review the driver file for Respondent's taxi #129.

37. Upon inspection of the driver file, it was discovered that the last criminal history report was from July 2021.

38. A motor carrier is required to obtain a criminal history report on each driver every two years, and not doing so is a violation of 52 Pa. Code § 29.505(b)(2).

39. The inspection revealed that there was no driver history on file.

40. A motor carrier is required to obtain a driver history for each driver on an annual basis. Failing to do so is a violation of 52 Pa. Code § 29.504.

41. The inspection also revealed that the carrier did not possess the driver's log sheets.

42. Although the driver stated to Officer Ebbert that he had them at his home, the applicable regulation states that "log sheets shall be retained by the certificate holder for at least 2 years." 52 Pa. Code § 313(c).

43. Respondent's failure to retain the log sheets is a violation of 52 Pa. Code § 313(c).

44. Months after Officer Ebbert's inspection, on or about March 11, 2024, Respondent mailed to the Commission's Secretary's Bureau a stack of papers which included what appears to be a driver's log dated November 7, 2023, a receipt of a vehicle safety inspection for a 2014 Chevrolet sedan dated March 6, 2024, a criminal record check for the driver of taxi #129 dated March 6, 2024, and a driver's history generated from the

Pennsylvania Department of Transportation website for the driver of taxi #129 dated March 6, 2024.

45. The documents mailed to the Secretary's Bureau were marked as an "Answer" to I&E's Complaint by the Secretary's Bureau upon receipt.

46. While I&E appreciates Respondent's attempt to become compliant with the motor carrier regulations, the driver's history report and criminal record check provided as Respondent's Answer do not constitute a defense to the specific regulations requiring that carriers obtain the criminal record check and driver's history report within certain specified time frames.

47. It is undisputed that Respondent's vehicle identified as taxi #129 did not have a valid state inspection sticker at the time of Officer Ebbert's inspection.

48. More than two years had elapsed since Respondent obtained the driver of taxi #129's criminal record check.

49. More than one year had elapsed since Respondent obtained the driver of taxi #129's driver history report.

50. Additionally, Respondent did not have any driver history report for the driver of taxi #129 on file, indicating that Respondent failed to conduct an initial search for a driver history report for that driver at the start of his employment.

51. It is incumbent upon Respondent, as the certificated carrier, to retain the log sheets. Having each driver possess or retain their own log sheets is a failure to follow the applicable regulation.

IV. CONCLUSION

52. WHEREFORE, for the foregoing reasons, the Bureau of Investigation and Enforcement respectfully requests that Your Honor grant its Motion for Summary Judgment and sustain its Complaint, including all the relief requested therein.

Respectfully submitted,



Grant Rosul
Prosecutor
PA Attorney ID No. 318204

Pennsylvania Public Utility Commission
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Commonwealth Keystone Building
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Harrisburg, PA 17120
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Date: October 31, 2025

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Motion for Summary Judgment, 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).

Service via First-Class Mail and Electronic Mail

Latino Taxi Service LLC
Attn: Franciso Brito
29 East Broad Street
West Hazleton, PA 18202
Latinotaxi809@hotmail.com



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

Dated: October 31, 2025