

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	C-2025-3055176
	:	
Keystone Cab Service, Inc.	:	

INITIAL DECISION

Before
Steven K. Haas
Administrative Law Judge

INTRODUCTION

The Pennsylvania Public Utility Commission’s Bureau of Investigation and Enforcement (BI&E) filed a Formal Complaint (Complaint) against Keystone Cab Service, Inc. (Keystone) alleging various violations of the Commission’s transportation regulations. This Initial Decision sustains in part and denies in part BI&E’s Complaint and orders the imposition of a civil penalty.

HISTORY OF THE PROCEEDING

On May 14, 2025, BI&E filed a Complaint against Keystone in which it alleged various violations of the Commission’s transportation regulations. Specifically, BI&E alleged the following violations: Count 1 - failure to equip cab with a meter in violation of 52 Pa. Code § 29.314(1)(2); Count 2 – failure to calculate fare in accordance

with tariff in violation of 52 Pa. Code § 29.314(b)(6); Count 3 – meter not in operation for entire time vehicle engaged by passenger in violation of 52 Pa. Code § 29.314(b)(7); Count 4 – failure to maintain a copy of the driver history report in violation of 52 Pa. Code § 29.504(b); and Count 5 – failure to maintain a copy of the driver criminal background report in violation of 52 Pa. Code § 29.505(b). BI&E seeks, among other things, imposition of a total civil penalty in the amount of \$3,500.00.

On June 4, 2025, Keystone filed an Answer to BI&E’s Complaint. In its Answer, Keystone denied the material allegations and requested that the Complaint be dismissed or, in the alternative, that the proposed civil penalty be reduced.

By Initial In-Person Hearing Notice dated June 11, 2025, the Commission scheduled an evidentiary hearing for August 12, 2025, in Harrisburg. Also on June 11, 2025, I issued a Prehearing Order which provided various instructions for participation in the hearing.

The hearing was held as scheduled on August 12, 2025. Counsel to BI&E appeared and presented the testimony of two witnesses.¹ Counsel to Keystone appeared and presented the testimony of one witness who sponsored four exhibits, all of which were admitted into the record.

The record of this case consists of a 63-page transcript and four Keystone exhibits. The record closed on September 5, 2025, upon my receipt of the hearing transcript. As is more fully explained below, the Complaint is sustained in part and denied in part.

¹ One of these witnesses, Heidi Guy, appeared by telephone.

FINDINGS OF FACT

1. The Complainant in this proceeding is the Commission's Bureau of Investigation and Enforcement.
2. The Respondent in this proceeding is Keystone Cab Service, Inc.
3. Keystone is a common carrier by motor vehicle as defined at 66 Pa.C.S § 102. Complaint, p. 2.
4. Respondent is a public utility as defined at 66 Pa.C.S. § 102. Complaint, p. 3.
5. On August 8, 2024, Keystone provided a cab ride to Heidi Guy from the Harrisburg International Airport to her home in Mechanicsburg, PA. Tr. 15, 24, 32.
6. Ms. Guy was picked up at the airport somewhere between 11:00 p.m. and 11:30 p.m. Tr. 12, 33.
7. The driver of the cab for the August 8, 2024, trip was Ibrahim Oumarou. Tr. 32.
8. Ms. Guy paid a total of \$77.00 for the trip. Tr. 39; Respondent Ex.

R-1.

9. The Schedule of Rates in Keystone’s current tariff provides:

First 1/7 mile or fraction thereof	\$1.40
Each additional 1/7 mile or fraction thereof	.20
Waiting time – each one minute	.20

Tr. 26; Keystone Tariff Call or Demand – Pa. P.U.C. No. 1.

10. If the charge for the trip had been calculated using the rates contained in Keystone’s tariff, the charge would have been approximately half of the amount Ms. Guy was charged by Keystone’s driver. Tr. 26; Keystone Tariff Call or Demand – Pa. P.U.C. No. 1.

11. Keystone does not have a tariff containing rates for trips to or from airports that is different from the rates authorized in its Tariff Call or Demand – Pa. P.U.C. No. 1. Tr. 41-42.

12. Sometime after the August 8, 2024, trip, Ms. Guy contacted the Commission to register a complaint about the amount she was charged for the trip. Tr. 10, 24.

13. Travis Griffith has been a Motor Carrier Enforcement Officer with the Commission for the past six years. Tr. 20-22.

14. Mr. Griffith investigated Ms. Guy’s complaint on behalf of the Commission. Tr. 23.

15. As part of his investigation, Mr. Griffith visited Keystone on September 11, 2024. Tr. 23-24.

16. As part of his investigation, Mr. Griffith asked to see the criminal background and driver's history records for driver Ibrahim Ouymarou. Tr. 24.

17. Keystone was unable to produce the driver's records when asked by Mr. Griffith during the September 11, 2024, investigation. Tr. 24.

18. Keystone exhibit R-2 is a copy of the ten-year driving record for Ibrahim Oumarou, dated November 1, 2022, from the Pennsylvania Department of Transportation's Bureau of Driver Licensing. Keystone Ex. R-2.

19. Keystone exhibit R-3 is a copy of the ten-year driving record for Ibrahim Oumarou, dated September 9, 2024, from the Pennsylvania Department of Transportation's Bureau of Driver Licensing. Keystone Ex. R-3.

20. Keystone exhibit R-4 is a copy of a criminal background check for Ibrahim Oumarou, dated October 21, 2022, from the Pennsylvania State Police. Keystone Ex. R-4.

DISCUSSION

In the instant case, BI&E is seeking a determination that Keystone violated several of the Commission's transportation regulations and seeks, among other things, imposition of a civil penalty. As the party seeking affirmative relief from the Commission, BI&E bears the burden of proof. 66 Pa.C.S. § 332(a). It must establish that Keystone has in some manner violated the provisions of the Public Utility Code (Code) or the regulations of the Commission. 66 Pa.C.S. § 332(a).

The term "burden of proof" means a duty to establish a fact by a preponderance of the evidence. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950)

(*Se-Ling Hosiery*); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa. PUC 300 (Oct. 6, 1976) (*Feinstein*). The term “preponderance of the evidence” means one party must present evidence which is more convincing, by even the smallest amount, than the evidence presented by the other party. *Se-Ling Hosiery*. Accordingly, one must review the record in this case to determine whether BI&E has satisfied its burden of proof. If the review indicates the burden has been satisfied, one must then determine whether Respondent has submitted evidence of co-equal value or weight to refute Complainant’s evidence. If this has occurred, the burden of proof cannot be satisfied, unless the party bearing the burden of proof presents additional evidence. *Morrissey v. Pa. Dept. of Highways*, 225 A.2d 895 (Pa. 1967); *Burleson v. Pa. Pub. Util. Comm’n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *affirmed*, 461 A.2d 1234 (Pa. 1983).

While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm’n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

Furthermore, one must exercise care to ensure the decision of the Commission is supported by substantial evidence in the record. *See, e.g.*, Section 704 of the Administrative Agency Law, 2 Pa.C.S. § 704; *Yellow Cab Co. v. Pa. Pub. Util. Comm’n*, 524 A.2d 1069 (Pa. Cmwlth. 1987). The Pennsylvania appellate courts have defined the term “substantial evidence” to mean such relevant evidence that a reasonable mind may accept as adequate to support a conclusion. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Ry. Co. v. Pa. Pub. Util. Comm’n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Review*, 166 A.2d 96 (Pa. Super. 1961); and *Murphy v. Pa. Dept. of Public Welfare, White Haven Center*, 480 A.2d 382 (Pa. Cmwlth. 1984).

As noted above, BI&E has alleged five violations by Keystone of the Commission's transportation regulations, resulting in a proposed civil penalty totaling \$3,500.00. I will address each of the five counts below.

Count 1 - Failure to equip cab with a meter in violation of 52 Pa. Code § 29.314(b)(1)-(2). Requested civil penalty - \$1,000.00.

Count 3 – Meter not in operation for entire time vehicle engaged by passenger in violation of 29.314(b)(7). Requested civil penalty - \$1,000.00

Section 29.314(b)(1)-(2) provides:

(b) *Meters.* Meters must conform with the following requirements:

(1) A call or demand vehicle operated within this Commonwealth shall be equipped with a meter.

(2) The meter shall be installed in the front of the vehicle so that, at all times it is plainly visible to and the fare is readily ascertainable by all occupants of the vehicle. The face of the meter must be properly illuminated at all times.

52 Pa. Code § 29.314(b)(1)-(2).

Section 29.314(b)(7) provides, in relevant part, “[t]he meter must be in operation during the entire time the vehicle is engaged by a passenger” 52 Pa. Code § 29.314(b)(7).

Counts 1 and 3 of the Complaint both involve the allegation that the vehicle was not equipped with a meter at the time of the August 8, 2024, trip. BI&E alleges that Keystone did not have a meter in the cab on August 8, 2024, when Mr. Oumarou transported Ms. Guy from the airport to her home in Mechanicsburg, PA. In support of

this allegation, BI&E presented the testimony of the passenger, Ms. Guy. She testified that the trip originated somewhere between 11:00 p.m. and 11:30 p.m. and that she sat in the second row on the passenger side of the vehicle. Tr. 12. This testimony was confirmed by Mr. Oumarou who also testified that she sat in the second row of the vehicle on the passenger side. Tr. 33. Ms. Guy testified that she did not see a meter on the dashboard of the vehicle. Tr. 9, 13.

Keystone presented the testimony of Mr. Oumarou, who was the driver of the cab. Mr. Oumarou testified that, in fact, there was a meter in the cab at the time of the August 8, 2024, trip. He said it was attached to the dashboard above the vehicle's radio. Tr. 37-38.

In an apparent attempt to further support its allegation that the vehicle was not equipped with a meter during the trip at issue, BI&E's witness acknowledged that there was a meter in the vehicle when he conducted his investigation on September 11, 2024, but stated that a meter can be installed in a vehicle in a day. Tr. 31. The implication of this testimony appears to be that the meter could have been and, in fact, was installed sometime after the August 8, 2024, trip.

While BI&E arguably presented a *prima facie* case through the testimony of Ms. Guy that there was no meter in the vehicle during the trip, I find that Keystone presented evidence of at least co-equal weight through the testimony of Mr. Oumarou that there was a meter in the vehicle. One party said there was a meter in the vehicle. The other party said there was not. Having listened to the testimony of the witnesses of both parties, I did not find one witness more or less credible than the other. Both sounded committed and convincing. Accordingly, I find that the evidence presented by the parties on this issue is of co-equal weight and, therefore, BI&E has not met its burden of proving these allegations by a preponderance of the evidence. Accordingly, Counts 1 and 3 of the Complaint are dismissed.

Count 2 – Failure to calculate fare in accordance with tariff, in violation of 52 Pa. Code § 29.314(b)(6). Requested civil penalty - \$500.

Section 29.314(b)(6) provides, in relevant part, “[i]t is the responsibility of the certificate holder to cause the meters to be so regulated that the fare is calculated and registered in accordance with the current tariff rates on file with and approved by the Commission.” 52 Pa. Code § 29.314(b)(6).

Ms. Guy testified that she was originally quoted a price of \$85.00 for the trip when she got in the cab. Tr. 9. She subsequently said that the price was lowered to \$75.00, which amount she paid when she was dropped off at her house. Tr. 9.

Mr. Griffith testified that he reviewed the authorized rates contained in Keystone’s tariff and calculated the rate that should have been charged using the approximate mileage of the trip and the tariff rates. He testified that Ms. Guy was charged approximately twice as much as she should have been. Tr. 26.

The fact that Ms. Guy was overcharged for the trip was confirmed by Keystone’s own witness, Mr. Oumarou. He testified that Ms. Guy paid a total of \$77.00 for the trip, which amount consisted of \$65.00 for the fare and \$12.00 as a tip. In explaining the amount charged for the trip, Mr. Oumarou testified the fares charged by Keystone for trips to or from airports are different from the rates contained in the company’s tariff. Tr. 39-40. He testified that airport fares start with an initial charge of \$5.40 and then \$2.80 for each additional mile. Tr. 40. He was unable to explain the difference between the company’s airport fares and those contained in the company’s tariff. Tr. 40.

The record evidence is undisputed that Ms. Guy was charged a higher rate for her trip than the fare she should have been charged using the company’s authorized

tariff rates. In fact, counsel to Keystone acknowledged, in response to my questioning, that he was unaware if the company had a separate tariff containing different rates for trips to or from airports. Tr. 41.

I find, based on the undisputed record evidence, that Keystone violated 52 Pa. Code § 29.314(b)(6) in that it charged Ms. Guy a rate that was different from the rates contained in and authorized by the company's tariff. Accordingly, Count 2 of the complaint is sustained.

Count 4 – Failure to maintain a copy of the driver history report in violation of 52 Pa. Code § 29.504(b). Requested civil penalty - \$500.00.

Count 5 – Failure to maintain a copy of the driver criminal background report in violation of 52 Pa. Code § 29.505(b). Requested civil penalty - \$500.00.

Counts 4 and 5 of the Complaint involve allegations that Keystone did not maintain, as required by the Commission's regulations, copies of these driver records and, as a result, was unable to produce those records when requested by Mr. Griffith during the September 11, 2024, investigation.

Section 29.504(b) requires carriers, before allowing a person to act as a call or demand driver, to obtain and maintain a driving history report for the person from the Pennsylvania Department of Transportation (PA DOT). Going forward, this driver history report check must occur one year after engaging the driver, then every two years thereafter. 52 Pa. Code § 29.504(b).

Section 29.505(b) requires carriers, before allowing a person to act as a call or demand driver, to conduct, or have a third-party conduct, a local and national criminal background check for the person. Going forward, this criminal background check must

occur one year after engaging the driver, then every two years thereafter. 52 Pa. Code § 29.505(b).

As noted, Mr. Griffith conducted an investigation and inspection at Keystone's facility on September 11, 2024. As part of his investigation, he requested copies of the driver history report and the criminal background check report for Mr. Oumarou. Mr. Griffith testified that the company was unable to produce copies of these records. Tr. 24. Mr. Griffith further testified that he again talked to company personnel the next day to ask for the records, but he did not receive them. Tr. 24.

During the hearing, Keystone produced the following exhibits:

Exhibit R-2: a ten-year driver record report for Mr. Oumarou, dated September 9, 2024, from PA DOT;

Exhibit R-3: a ten-year driver record report for Mr. Oumarou, dated November 1, 2022, from PA DOT; and

Exhibit R-4: a criminal background check report for Mr. Oumarou, Request date October 19, 2022, from the PA State Police.

Mr. Oumarou testified that the driver record reports and the criminal background check reports are printed out every six months at Keystone. He was unable to explain, however, why the company was not able to produce his reports when asked by Mr. Griffith during the September 11, 2024, investigation. Tr. 45.

The record evidence shows that a driver record and criminal background check reports had been obtained and did, in fact, exist for Mr. Oumarou. Ex. R-2, R-2 and R-4. The record evidence is also clear, however, that Keystone was unable to produce and provide these records to Mr. Griffith during his September 11, 2024, inspection. Accordingly, Counts 4 and 5 of the Complaint will be sustained.

CIVIL PENALTY

BI&E is seeking the imposition of a civil penalty in this proceeding totaling \$3,500.00, broken down as follows: \$1,000 each for Counts 1 and 3, \$500 for Count 2, and \$500 each for Counts 4 and 5. Having denied Counts 1 and 3 on the basis that BI&E did not prove those allegations by a preponderance of the evidence, I will address the requested fines for Counts 2, 4 and 5, which total \$1,500.00.

The Commission, at 52 Pa. Code § 69.1201, has adopted a policy statement setting forth the standards it will consider in evaluating litigated and settled proceedings before the Commission.

The specific factors and standards that will be considered by the Commission include the following:

- (1) Whether the conduct at issue was of a serious nature. When conduct of a serious nature is involved, such as willful fraud or misrepresentation, the conduct may warrant a higher penalty. When the conduct is less egregious, such as administrative filing or technical errors, it may warrant a lower penalty.
- (2) Whether the resulting consequences of the conduct at issue were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty.
- (3) Whether the conduct at issue was deemed intentional or negligent. This factor may only be considered in evaluating litigated cases. When conduct has been deemed intentional, the conduct may result in a higher penalty.
- (4) Whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. These

modifications may include activities such as training and improving company techniques and supervision. The amount of time it took the utility to correct the conduct once it was discovered and the involvement of top-level management in correcting the conduct may be considered.

(5) The number of customers affected and the duration of the violation.

(6) The compliance history of the regulated entity which committed the violation. An isolated incident from an otherwise compliant utility may result in a lower penalty, whereas frequent, recurrent violations by a utility may result in a higher penalty.

(7) Whether the regulated entity cooperated with the Commission's investigation. Facts establishing bad faith, active concealment of violations, or attempts to interfere with Commission investigations may result in a higher penalty.

(8) The amount of the civil penalty or fine necessary to deter future violations. The size of the utility may be considered to determine an appropriate penalty amount.

(9) Past Commission decisions in similar situations.

(10) Other relevant factors.

52 Pa. Code § 69.1201.

Count 2 – Failure to calculate fare in accordance with tariff, in violation of 52 Pa. Code § 29.314(b)(6). Requested civil penalty - \$500.

The first factor considers whether the conduct at issue was of a serious nature. I consider charging a customer a rate that is higher than the rates authorized by the Commission as set forth in the company's tariff to be a serious violation and, therefore, warrants a higher penalty.

The second factor addresses the consequences of the conduct at issue. Here, Ms. Guy was charged more than the company was authorized by the Commission to charge. I consider this consequence to be serious and, therefore, warrants a higher penalty.

The third factor considers whether the conduct was negligent or intentional. There is no evidence in the record by which to reach a definitive conclusion on this factor, so it will not be considered.

The fourth factor considers whether remedial actions were taken by the utility to modify internal practices and procedures in order to prevent similar conduct in the future. Again, there is no evidence in the record by which to reach a definitive conclusion on this factor, so it will not be considered.

The fifth factor addresses the number of customers affected and the duration of the violation. The record evidence shows that only Ms. Guy was impacted by this violation. Although Mr. Oumarou testified that Keystone's rates for airport service are different than the rates set forth in the company's tariff, there is no specific evidence in the record proving that any other specific customers were charged rates higher than the tariff rates. Accordingly, this factor warrants a lower penalty.

The sixth factor looks at the compliance history of the regulated entity. Since there is no evidence in the record about the company's compliance history, this factor will not be considered.

The seventh factor considers whether the regulated entity cooperated with the Commission. While there is no evidence in the record on this factor, I note here that Keystone is on notice that charging a rate that is not authorized by the Commission as

reflected in the company's tariff is a violation of the Commission's regulations and future violations, if any, should be addressed with more substantial penalties.

The eighth factor requires that the amount of the civil penalty be enough to deter future violations. I conclude that a civil penalty larger than that requested by BI&E is not necessary to deter future violations.

The ninth factor looks at past Commission decisions in similar situations. Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties of up to \$1,000 for violation(s) of the Public Utility Code and/or Commission regulations. I find that the recommended penalty of \$500 is appropriate for the single violation in this proceeding.

The tenth factor looks at other relevant factors. As no other factors have been raised or considered, this factor will not be addressed.

Based on a review of the factors set forth above, I conclude that a civil penalty in the amount of \$500 for this violation is appropriate.

Count 4 – Failure to maintain a copy of the driver history report in violation of 52 Pa. Code § 29.504(b). Requested civil penalty - \$500.00.

Count 5 – Failure to maintain a copy of the driver criminal background report in violation of 52 Pa. Code § 29.505(b). Requested civil penalty - \$500.00.

I will address these violations together as they involve similar violations.

The first factor considers whether the conduct at issue was of a serious nature. Keystone was unable to produce copies of the requested driver records during Mr. Griffith's September 11, 2024, inspection. The record evidence shows, however, that the requested records did exist. Ex. R-2, R-3 and R-4. This may have simply been an

administrative error and Keystone is reminded and encouraged to maintain its driver records in an easily retrievable format going forward. I find that this factor warrants a lesser penalty.

The second factor addresses the consequences of the conduct at issue. There were no serious consequences as a result of these violations. I find this factor warrants a lesser penalty.

The third factor considers whether the conduct was negligent or intentional. There is no evidence in the record by which to conclude that these violations were intentional. Therefore, a lesser penalty is warranted.

The fourth factor considers whether remedial actions were taken by the utility to modify internal practices and procedures in order to prevent similar conduct in the future. There is no evidence in the record by which to reach a definitive conclusion on this factor, so it will not be considered.

The fifth factor addresses the number of customers affected and the duration of the violation. No customers were directly impacted by these violations. Accordingly, this factor warrants a lower penalty.

The sixth factor looks at the compliance history of the regulated entity. Since there is no evidence in the record about the company's compliance history relative to these record keeping violations, this factor will not be considered.

The seventh factor considers whether the regulated entity cooperated with the Commission. While there is no evidence in the record on this factor, I note here that Keystone is on notice that it must maintain and produce, when requested by Commission

personnel, its driver records and that future violations, if any, will be addressed with more substantial penalties.

The eighth factor requires that the amount of the civil penalty be enough to deter future violations. I conclude that civil penalties larger than those requested by I&E are not necessary to deter future violations.

The ninth factor looks at past Commission decisions in similar situations. As noted, Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties of up to \$1,000 for violation(s) of the Public Utility Code and/or Commission regulations. I find that the recommended penalty of \$500 for each violation is appropriate in this proceeding.

The tenth factor looks at other relevant factors. As no other factors have been raised or considered, this factor will not be addressed.

Based on a review of the factors set forth above, I conclude that a civil penalty in the amount of \$500 for each of these violations is appropriate.

CONCLUSION

For the reasons set forth above, Counts 1 and 3 of BI&E's Complaint are dismissed. Counts 2, 4 and 5 are sustained and a civil penalty in the total amount of \$1,500 is ordered.

CONCLUSIONS OF LAW

1. As the party seeking affirmative relief from the Commission, BI&E bears the burden of proof. 66 Pa.C.S. § 332(a).

2. The term “burden of proof” means a duty to establish a fact by a preponderance of the evidence. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa. PUC 300 (Oct. 6, 1976).

3. The term “preponderance of the evidence” means one party must present evidence which is more convincing, by even the smallest amount, than the evidence presented by the other party. *Se-Ling Hosiery*.

4. While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm’n*, 768 A.2d 1217 (Pa. Cmwlt. 2001).

5. A decision of the Commission must be supported by substantial evidence in the record. *See, e.g.*, Section 704 of the Administrative Agency Law, 2 Pa.C.S. § 704; *Yellow Cab Co. v. Pa. Pub. Util. Comm’n*, 524 A.2d 1069 (Pa. Cmwlt. 1987).

6. Substantial evidence means such relevant evidence that a reasonable mind may accept as adequate to support a conclusion. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Ry. Co. v. Pa. Pub. Util. Comm’n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Review*, 166 A.2d 96 (Pa. Super. 1961); and *Murphy v. Pa. Dept. of Public Welfare, White Haven Center*, 480 A.2d 382 (Pa. Cmwlt. 1984).

7. BI&E failed to meet its burden of proof on the allegations in Counts 1 and 3 of the Complaint.

8. BI&E carried its burden of proof on the allegations in Counts 2, 4 and 5 of the Complaint.

9. The Commission will consider the following factors in evaluating litigated and settled proceedings before the Commission:

(1) Whether the conduct at issue was of a serious nature. When conduct of a serious nature is involved, such as willful fraud or misrepresentation, the conduct may warrant a higher penalty. When the conduct is less egregious, such as administrative filing or technical errors, it may warrant a lower penalty.

(2) Whether the resulting consequences of the conduct at issue were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty.

(3) Whether the conduct at issue was deemed intentional or negligent. This factor may only be considered in evaluating litigated cases. When conduct has been deemed intentional, the conduct may result in a higher penalty.

(4) Whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. These modifications may include activities such as training and improving company techniques and supervision. The amount of time it took the utility to correct the conduct once it was discovered and the involvement of top-level management in correcting the conduct may be considered.

(5) The number of customers affected and the duration of the violation.

(6) The compliance history of the regulated entity which committed the violation. An isolated incident from an otherwise compliant utility may result in a lower penalty,

whereas frequent, recurrent violations by a utility may result in a higher penalty.

(7) Whether the regulated entity cooperated with the Commission's investigation. Facts establishing bad faith, active concealment of violations, or attempts to interfere with Commission investigations may result in a higher penalty.

(8) The amount of the civil penalty or fine necessary to deter future violations. The size of the utility may be considered to determine an appropriate penalty amount.

(9) Past Commission decisions in similar situations.

(10) Other relevant factors.

52 Pa. Code § 69.1201.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Counts 1 and 3 of the Formal Complaint filed by the Bureau of Investigation and Enforcement at Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Keystone Cab Service, Inc., Docket No. C-2025-3055176, are dismissed.

2. That Counts 2, 4 and 5 of the Formal Complaint filed by the Bureau of Investigation and Enforcement at Pennsylvania Public Utility Commission, Bureau of

Investigation and Enforcement v. Keystone Cab Service, Inc.. Docket No. C-2025-3055176, are sustained.

3. That Keystone Cab Service, Inc. shall pay a total civil penalty of \$1,500.00 as provided for in the Public Utility Code, 66 Pa. Code § 3301, by certified check or money order, made payable to “Commonwealth of Pennsylvania” within thirty (30) days after the entry date of a final Commission Order to:

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

4. That copies of this Initial Decision shall be served on the Bureau of Technical Utility Services and the Bureau of Administrative Services, Assessment Section.

5. That if a payment totaling \$1,500.00 pursuant to Ordering Paragraph No. 3 above is not received by the Commission within thirty (30) days of the entry date of the Commission’s final Order in this proceeding, the Commission’s Bureau of Technical Utility Services shall suspend or revoke Keystone Cab Service, LLC’s Certificate of Public Convenience.

6. That if a payment totaling \$1,500.00 pursuant to Ordering Paragraph No. 3 above is not received by the Commission within thirty (30) days of the entry date of the Commission’s final Order in this proceeding, the Commission’s Bureau of Administrative Services, Assessment Section, shall refer this matter to the Pennsylvania Office of Attorney General for collection of the total amount set forth above and any other appropriate action.

