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Germantown Cab Company

800 Chestnut St. Ste. 103

Philadelphia, PA 19107

My name is Joseph Gabbay, son of Jacob and Judith Gabbay. With my sisters Michelle and Tiffany, we grew up in an honest and loving family. My parents came to the United States as teenagers with a dream to make decent living and raise a family. My father moved to New York and became a taxi cab driver and eventually purchased his first medallion in 1972. My parents were fortunate enough to have their ventures grow into successful companies owning real estate and taxicabs. Jacob's extensive taxi knowledge was recognized when he became president of United Cab Association managing over 500 vehicles. Today, our family has taken one of the most inadequate areas of the city and has turned it into one of the finest served areas in the Philadelphia area simultaneously creating a multitude of jobs in a highly unemployed area.

My sisters and I grew up at the cab company shadowing our parents every move. They taught us to love what we did. Our parents trained us on every aspect of our operations and how to run a successful cab company. They have taught us everything there is to know about this industry and have created a passion in our hearts for our community.

Prior to the PPA takeover, this industry biggest problem was getting the customers from point A to point B. Today the biggest problem is survival under the Authority. Everything was going relatively smooth until the Philadelphia Parking Authority took over taxicabs and limousines. The Authority took a stance which turned our family upside down with threats that turned our days into nightmares filled with fear. There were nights to which I have woken up hearing my mother crying for fear that the PPA was threatening to shut our company down. 24 hour deadlines to bring thousands of dollars for assessments, fines, penalties and parking tickets or else face the whole fleet being impounded was frightening. This is how we were muscled to comply and pay. The PPA had formulated regulations that were drastically different from the PUC's with not a question or a care of how this would affect us or the people dependent on us. The PPA didn't care that they threatened to shut the company down on the Jewish Sabbath or High Holiday which they knew we observed. Our family lives in fear of the PPA as they have made it clear on multiple occasions that they have the power to shut us down at their command with no due process. They would give us enormous fines and seize property, practically making us beg to get our property returned. Since there are no banks that will lend money to a company which has no value, every penny was scrapped up and every personal credit line has been maxed in order for us to stay in business. The Parking Authority cannot expect us to produce the money they desire requiring us to sell assets or take loans which are not in connection to our company's operations. Our Certificate does not afford us this option.

For the record, we don't have to serve this area of Philadelphia and could abandon it. Actually, Parking Authority staff has suggested that is what we should do. This is something that would never happen without us putting up a fight. There are too many families' lives depending on this outcome and our roots are firmly planted. Germantown Cab has over 45 employees, 300 drivers and a duty to the communities we serve. This is a family, my extended family. Life cycles which have been shared with all. Sicknesses, births, deaths, graduations, loves found and loves lost. We've been through it all. My responsibility is to try to shine some light on harmful issues in hopes of protecting the people that I

represent. With all the pain and stress that the parking authority has placed on my "family" I'm here to speak on their behalf. Below are our comments which will be submitted in conjunction with our attorneys. Hopefully the PPA understands that we have no intention on tarnishing their reputation or to create hostilities between us. We are actually hoping that this process will help instill peace and stability, calm and consistency.

The PA Public Utilities Commission (PUC) granted Certificates of Public Convenience (CPC) to Common Carrier Taxicabs to serve the riding public of Pennsylvania. This privilege was given for specified areas that were found to be inadequate in transportation services. Many of these areas are economically depressed and high in crime, which deter most transportation providers from maintaining ample service. Germantown Cab Co. services these areas for over 30 years in and out of the City of Philadelphia on a daily, trip-by-trip basis, as needed by the public using our CPC as a common carrier and paratransit provider.

Partial Right Taxicab CPC's have never been subject to the same regulations as the Medallion taxicabs under the PUC. PUC had interpreted that the Medallion Act did not apply to Germantown Cab and all Partial Authorities. The PUC understood the difference and complexities in these significantly different operations. The Commission's vast experience in the industry gives an indication that the two different types of taxicab service, medallion and non-medallion, needed to be regulated under separate regulatory chapters. For these reasons, the PUC regulated Germantown Cab and all Partial Authority CPC's under chapter 29 and Medallion taxicabs within chapter 30. If the PUC, in its determination, had concluded that the partial rights were as similar to the Medallions, there would have been no reason for the separation in regulations.

Currently, the Philadelphia Parking Authority (PPA) wrongly places the Medallions and Partial Authority taxicabs in the same category. In turn, the PPA with absolutely no experience in the regulation of public utilities, decided to take the two and merge them into one. How has the PPA come to this conclusion? Is the PPA's 5 years of inexperience with invalid regulations an indication of proof? Medallion regulations under the PUC were quite similar to today's PPA regulations. Not much change occurred. The limited authority taxicab regulations, when compared, are vastly different. Having two state agencies regulating the same industry with conflicting set of policy has caused these companies, their drivers and the riding public to suffer tremendously. The PPA has deliberately and deceptively excluded the required feasibility studies from the review process and has now placed this burden on the public to prove its own discontent.

Is the Authority hesitant show that they have charged Germantown Cab \$5,000.00 in a single fine, over 20 times, for supposedly operating outside its rights in the Manayunk section, where it had been serving the public for over 30 years? \$100,000.00 in 20 fines? The PUC has not issued us \$100,000 in fines in over 30 years. Need has been proven time and time again. Five thousand dollar fines, attorney fees, impoundments, tow and storage fees are extreme for doing a public service. Is this absurd amount for a single fine even legal? Not according to 53 Pa. C.S. 5725. But there are no repercussions for the Authority except for correcting the mistake. On the other hand, we have to pay dearly.

Maybe they are hesitant to show the unjust and excessive \$1500.00 per vehicle fee imposed on Partial Rights vs. the \$1250.00 per Medallion? The medallions with city-wide rights had always paid the PUC in a per vehicle/ per certificate formula. Today, Medallions pay absolutely nothing to the PUC and pay the PPA only \$1250 for one vehicle attached to one certificate. Germantown had gone from paying the PUC less than \$10,000.00 a year assessment to now paying the PPA \$150,000.00 for one certificate for one

year while continuing to pay its PUC assessment. It hard not to assume that this isn't done as retribution. Are you trying to recover attorney costs? The PUC's Partial Right Certificate assessments were never based on a per vehicle formula. It has always been done on a formula based off of gross income, the same way limousines are assessed. I cannot see how this is hardly fair in anyone's eyes. I ask the PPA, how many other partial rights vehicles are registered with them? This number probably equals less than 10 vehicles combined for the remaining companies. That means that the only company that is truly impacted by this is Germantown cab. One certificate holder, paying 100 times more than any other regulated party in its class. I attended the board meeting last year when the PPA proposed the increase that would, for the first time, have Partial Authority annual assessment exceed the Medallion's. Pre-2005 this would have been unheard of. Nevertheless, our attorney voiced the lack of notice and the unfairness of the proposal. We were told that the budget was due and that the TLD will setup a meeting with Germantown Cab to address this. No meeting has ever been arranged and the TLD continued to proceed in an attempt to collect. We voiced our concern and were blown off. It is extremely frustrating when an agency's duty to serve, promote and protect ends up destroying its very own.

This now brings me to my key question. Are we part of the PPA's own? Had the Legislature really intended for these types of CPC holders to be regulated by the PPA? The Medallion act and Act 94 of 2004 are quite similar in nature; almost word for word with the few changes of Commission to Authority, taxicab to taxicab and limousine. It's almost verbatim. There is argument that the words taxicab and medallion in act 94 apply to both medallion and non-medallioned vehicles. If you compare the language of the previous Medallion act with the new you can clearly see that the language had used the words interchangeably as well. Many instances throughout the PPA's enabling statute require Medallions specifically to conform. In times where the word taxicab has been used, its subsection is nearly identical to the old Medallion act.

If the Medallion act did not apply to the limited authority CPC's as found by the 1996 cases one can then conclude that act 94 of 2004 did not apply as well. The legislature was so courteous as to include the right of the PPA to authorize the retention of our Certificates so as to not write us out of existence as almost did occur when the Medallion act was placed in law. This corrected the language that was unintentionally absent when the Medallion system was first created so that we were not written out of existence once again.

Act 2004-94 added section 5714(d)(2). Does the language "retain their authorization through the authority" clause give the PPA the right to regulate as well? In 2006, PA House Bill 2545 PN 4515, was introduced and subsequently vetoed by the acting Governor. What's interesting about this proposed bill is that the PPA tried to add language to 5714(d)(2). This attempted addition is a window into the matters involving our rights to be specifically regulated by the Authority. The PPA is obviously aware that they do not have the statutory authority to regulate our Certificates as it is clearly seen here.

Act 2004-94 continues into the transfer of the PUC powers to the PPA. This only gives the PUC authority to transfer functions under 66 Pa.C.S. Ch. 24 and limousine regulations. Nowhere is it stated that other common carriers functions are to be included. The PUC's Genco and Penn Cab findings concluded that these other certificate holders were exempt from 66 Pa.C.S. Ch.24. So where does the Authority's ability to regulate us come from? A jurisdictional agreement was made between the two agencies and then subsequently published in the PA Bulletin on March 12, 2005. The PUC then completed the required transfer agreement transferring 66 Pa.C.S. Ch. 24 and limousine regulations. The agencies were empowered to resolve any issues associated with the transfer if needed, and could come to a mutual agreement solely in regards to 22(1) " the transfer" of 66 PA C.S. Ch.24. The legislature did not give the

power to come into any agreement for any reason other than what was explicitly stated here. Just because an agreement was made, which is not actually adhered to since both the PUC and the PPA continue to regulate Germantown Cab within the city limits; does that mean they were permitted to do so?

The point of the transfer was "to ensure a smooth transition with as little disruption to public safety, consumer convenience and the impacted industries." Being thrown in as an impacted industry, this agreement did not provide for a smooth transfer. It is full of holes and does not address basic problems that would inevitably happen. The logistics of dual regulation is illogical and burdensome. I don't think either agency foresaw the mountains of issues that, without doubt, arose from this transfer. A great injustice has been done by this flawed and illegal agreement.

The PPA contends that their regulations are formulated with advice from a statutorily required "Advisory Committee" and claim Partial Authority CPC's have had a chance to comment on their proposed regulations in 2005 and 2008. In the Philadelphia Parking Authority's Petition for Allowance of Appeal to the Supreme Court, filed on April 29, 2010, the PPA themselves came to the following conclusion. "The members of the PPA's Advisory Committee represents the parties interested in (or potentially impacted by) the regulation of taxicab and limousines in Philadelphia. 53 Pa C.S. 5702(b) These interested parties include representatives for the service providers (e.g., drivers, medallion taxicab owners, dispatch owners, limousine owners) and representatives for the users of those services (e.g., the public from Philadelphia and the neighboring counties). /d. Thus, the statutorily mandated composition of the Advisory Committee ensures that representatives of the interested parties have notice and opportunity to comment on all proposed regulations. It also ensures that the entire evolutionary process of a regulation is transparent and accessible to all interested parties."Pg13 The Advisory Committee is comprised of parties interested or potentially impacted by the regulation of taxicabs and the statute clearly defines these parties. Partial Authority CPC holders are not on this or any other list. From these facts, one can conclude that the Legislature did not intend for these types of CPC's to be interested or impacted by the PPA's enabling statute. Unfortunately, Partial Authority owners are severely impacted and our voices have had no opportunity to be heard until now.

When the PPA took control over taxicabs they were granted transfer of the First Class City Taxicab Regulatory Fund to the Philadelphia Taxicab Regulatory Fund. Because of its Medallion origination, Partial Authority taxicabs are excluded from receiving any monies from this new fund but at the same time still contribute to it. This is evident when Verifone was contracted in the Taxicab System Agreement where all Medallion Taxicabs were granted free systems to place in their vehicles. Partial Rights taxicabs were specifically excluded from this grant in their contract and the PPA in their regulations are now being required to comply. Will the Authority require Partial Rights taxicabs to pay and for the equipment and installation of their GPS system? If yes, why?

After having said the previous; Partial Rights Taxicabs should not be included in these newly proposed regulations since we continue to be regulated under Ch. 29 of the PUC code. Germantown Cab submits the following should this faulty inclusion still occur.

A set of conflicting regulations for any industry is unfair and confusing to both the riding public and company owners. The costs and difficulties involved are onerous and create a competitive advantage to all other taxicab providers, city-wide medallions and suburban taxi providers, over dual authority certificate holders. The regulations written are inconsistent and deceiving at best. Many regulations, excluding the dispatcher certification process, refer out to documents found on the PPA TLD website. All

processes should be clearly stated in the regulations. By referring to an outside source there would be no regulatory oversight. Changes could be made at the PPA's discretion, bypassing the very reason why the Commonwealth Documents Law and IRRC was established.

The scope of Medallion regulations is restricted by statute since Medallion taxicabs are clearly defined by act 94 of 2004. The "partial right taxicabs" are not clearly defined within this act and in turn gives the PPA free rein to regulate these types of public utilities as heavily as they want; to the point of writing them out of existence. Many regulations are conflicting with PUC and cause the Partial/Dual Authority CPC holders to be in constant violation with unnecessary fees and interruption of service to the public. This constant state of flux has become a regulatory nightmare for these companies. The dual regulatory environment has now made these Partial Authority CPC holders with non-citywide rights, *more* heavily regulated than Medallion taxicabs with 100% citywide rights. For example, Partial Rights owners would now have to submit a "taxicabs in operation" form on a monthly basis whereas Medallion owners are not required to do so. Another requirement, made with no basis; setting companies up for failure and fines. The PPA has everything documented a hundred times over. From CPC renewals to biannual inspections, vehicle change notifications, meter installation, GPS systems, driver card swipes and Dispatcher's weekly list of affiliated taxicabs. Why should Partial Rights drivers have to fill out a driver log form for every shift? True, this is required by the PUC but if Partial Rights must comply with the GPS system, why would this be necessary? Why would a driver work for our limited, high crime, partial right area that requires them to do mundane and repetitive documenting when Medallion cabs with 100% city-wide rights don't have to? The PPA is creating a situation where in underserved areas, to which we are bound serve, will not have any drivers to service them. The micromanagement of these companies only stifles and creates an annoyance. Companies should be focusing on customer safety and service, vehicle maintenance, and safe and efficient working environments for both employees and independent drivers.

The PPA, within the body of newly proposed regulations, hide some very extreme provisions which would be disastrous to company owners, employees, landlords, the public and most importantly the City of Philadelphia.

Problem #1: PPA's policy of establishing orders - The Authority's Board has a pre-public board meeting, just prior to the public one. Who knows what happens there? But at the public meeting, if you're lucky, a quick synopsis is given and an order is established by vote 1, 2, 3. All say Aye. Aye. All always say Aye because you have already discussed anything that was of any importance pre-public meeting. The public meeting is a show. A boring one. But point is, the PUC gives due process, makes formal complaints, conducts hearings in a professional manner, does fact findings, makes publication in the Bulletin and holds public meetings. Any one may occur before orders are made. See thing is that the PPA does have the authority to make orders. Fine, I'll give that to you, but there is quite a difference in making an educated order that has had some investigative findings done rather than an executive order which has no method to its madness when getting signed into law. Does the PPA propose they continue in their untrusting fashion of tyranny? Stating that a change to requirement or regulation by an order is insufficient in the world of backdoor-deals they have created. What's the point of going to IRRC if scattered throughout the regulations are provisions which enable the Authority to make checks with no balance? Some type of policy should be placed into the regulations on how and when orders or executive orders are to be made. Extreme caution should be taken when making these orders.

Problem #2: No new partial rights certificates will be issued according to PPA 1015.3(a). Maybe this should be Problem #1? If your rights were cancelled, surrendered, or for any reason there was a termination of your partial rights certificate, a new certificate will not be issued nor will service be able to be provided by the terminated one. PPA 1015.3(c) Would this be ordered before or after we've been given notice and the opportunity to be heard? To transfer *all or any* portion of your right would in essence require you terminate your certificate and get a new one, one that will never be able to be issued. Not only does it devalue the certificate it hinders it from ever being sold. These provisions are as clear as you want them to be. Because there is an inch of doubt I must lean towards the half empty cup. Lord knows I will be sitting in the PPA's kangaroo court fighting this provision to stay alive one day.

Should someone owning a paltry 5% or more of your certificate unfortunately move on to the heavens above, you **MUST** sell off that percentage, file a transfer form, pay a transfer fee of \$2000 or 2% whichever is higher, and pray that they approve you. Hey, since there are no guidelines as to the acceptance of a new owner apart from 1011.5 ineligibility due to conviction or arrest, maybe that's the *only* restriction. I'm doubtful though. The PUC's medallion regulations had the 5% ownership transfer requirement but Common Carriers are not subject to those policies. Three bureau credit checks with a score of 600 or better to acquire possession of your own certificate, seriously? Forms should be placed in the regulations if the PPA decides to go this far. Where did the amount for the transfer fee for a Partial Right Certificate come from? It's not in the current Approved Fee Schedule nor has it been on any schedule previous. The fee schedule provides for transfers of medallions and limousines. Is this because the PPA never intends to transfer any Partial Right Certificates in the future? Each certificate will die a slow death, or fast if these regs are pushed through as is. We are pawns, players of least value and sacrificed effortlessly. What then, may happen to our underserved communities you may ask? Is this how the PPA intends to create a public need, politic the Legislature and request more Medallions to auction off? Cry public need and everyone falls to their knees. In doing so, you get to refill the Philadelphia Taxicab Regulatory Fund which you so carelessly depleted into pennies. Yay. These additional medallions will surely cause a stir with the current medallion owners for fear of devaluation but friendly medallion neighbors, have no fear; calm will be instilled as the PPA will then introduce a fare hike as was done in NYC in 2004. In the end of it all, the medallion's worth will be stable, or may even rise, but the common folk will have to pay. In the end of the day the ones being regulated are the ones who will cry, so let's pacify those who will wreak havoc; we don't want to bring attention to ourselves. The majority of the public doesn't believe or know that they could do much to make a change. Most don't even know that there is a \$1 surcharge on every parking ticket they pay which goes straight to the TLD. Doesn't this have effect on local government?

Problem #3: Certificates of Public Convenience NEVER expire! Only Medallions, set by statute, are to be reissued on a yearly basis. What right does the Authority have to auto-expire my license every year? The PUC has never taken the stance of an auto-expiration for CPC's. Should these all be problem #1? I can't decide.

Problem #4: The penalty schedule. I have not seen it anywhere in the new regs but it must surely exist. Should it be dead in the water, please disregard the following. The penalty schedule is a punishment which is placed on the Certificate of Public Convenience NOT on the vehicle. Your punishment for doing something unacceptable has consequences. The consequences get larger the more you violate the rules and the maximum penalties lie in the 3rd instance with no chance to correct a correctable offense. Problem is, when you have 100 vehicles on one certificate, you are bound to be in the maximum penalty much sooner than a certificate with one vehicle. This is where the problem lies. For every Certificate of Public Convenience you get three strikes. No matter how many vehicles you place on your partial rights

certificate you still get only three strikes per year. How is this possible? Did you know that the way the penalty schedule is structured, a third penalty could carry suspension or revocation of your rights ranging from 7 to 60 days? This is a major problem because this means that the PPA has the power to suspend over 100 vehicles and put over 300 people out of work for 3 violations spread over 100 vehicles. Our vehicles are more prone to lying in the third penalty due to this structure, whereas a person owning 100 certificated medallions would have to get the same violation 300 times to have his whole fleet suspended. Does this make sense? The heading of the penalty schedule is named Medallion and Limousine Owner Violations. The PPA continues to be inconsistent; continually requiring Partial Rights owners to comply with documents, fine and fee schedules that do not apply to us.

Problem #5: Vehicle cap. Welcome to the jungle. This could probably be the most detrimental and horrible regulation ever made. This provision should be removed as Partial Right CPC's would be considered worthless to the public. It shows that the PPA has no consideration for people's rights or that their inexperience in this industry is as clear as day. This goes against the very foundations for the issuance of Certificates of Public Convenience. The numbers of vehicles are based upon the public's need. How then does the PPA propose Germantown Cab and other Neighborhood cabs insure adequate service should demand rise? Could this be another way of creating public need to request more medallions? It has already been proven that the medallion taxicabs focus their service in the hospitality centers and avoid the neighborhoods located some distance from those areas. That is why our rights were granted. Why would a driver want to take a woman to the laundromat for a \$3.80 while requesting her 20 cents in change? She is entitled to her change, but these types of trips are quite different from the corporate executive, hotel to airport trip, that could bring in over \$30 with tip. Truth is that city-wide cabs will never service the neighborhoods on a consistent basis. Does the PPA envision a reduction in the population of these locations? Doesn't that go against the very basis of the Act's legislative findings? Has the PPA studied any effect this determination may have on the riding public? The cap and retroaction are unfair and harmful to all but the PPA. In whose best interest was the PPA established for? Themselves? In addition, this vehicle limitation inadvertently caps our suburban and paratransit fleet. Since we use the same vehicles to provide both of these services, this provision along with the new vehicle requirements will affect our ability to adequately service these other communities. Our paratransit authority was granted by the PUC under our Germantown Cab authority. They are inseparable. How then can the PPA claim that this regulation will have virtually no effect? How and why are these policies even proposed? It is preposterous.

Problem #6: Vehicle age and mileage restrictions. Requiring vehicles less than one year old with a maximum of 15,000 miles will put us out of business. Plain and simple - out of business. We cannot afford or borrow to implement with this plan.

Problem #7: Vehicle Inspections: What statutory authority does the Authority use to inspect our vehicles? Act 2004-94 only requires Medallion initial inspection and periodic inspection. Most of the language is used by the authority was copied from the Medallion Act. The process proposed is time consuming, expensive, and causes a major amount of downtime. Costs for inspections and then re-inspections, with the opportunity to miss your appointed time and get fined and have to reschedule with a fee only motivates the staff to find something to fail. The PPA should make one flat fee for the inspection and re-inspection of these vehicles.

1017.31. Biannual Inspection. This requirement make us more heavily regulated than Medallion cabs because we also have an annual inspection by the PUC whereas the Medallions do not.

1017.32 (d) "only the Authority can conduct State inspections of taxicabs". With the PUC the responsibility lies with the carrier. This provision will have an effect on our PUC regulated operations where a vehicle may be placed out of service by the PPA, causing the vehicle to be inoperable in our suburban territory.

An emission testing is very different than state physical requirements. Emissions is a computer based inspection and could require a vehicle to be driven up to 600 miles before being ready for testing. We somehow have to insure it is ready by the appointment or we fail and need to re-schedule. This system mimics the medallion program. A second problem occurs in where the PPA requires the owner to comply and exceed the standards of 67 Pa. Code Ch. 175. For example: During an inspection, I was told by the authority to replace a part on the vehicle. After I had replaced the part, I was failed a second time and told to replace with a *new* part. I called Penn-Dot who told me that as long as the part has no cracks or bubbles and is fully functional the PPA can't tell to use a new or used part. Our vehicle lost 11 days of work because the PPA wouldn't budge and eventually forced me to 100 to re-inspect showing that I replaced with a new part. I lost over \$1000 for the PPA's ego trip. The part cost \$6. The process is too expensive and places too heavy a work load on our garage which takes away from its daily functions. If I had to live under these regulations, which we should not, I would propose one inspection be required by either agency.

1017.34 Field inspections. Both the PUC and the PPA conduct routine field inspections within the City of Philadelphia. The difference is the conduct between the two. Some of the PPA's inspectors have shown an abuse of their power, and have gloated about their abilities to seize vehicles. We have heard yelling, screaming and profanity. We have been involved in targeted enforcement and seizing of our property that would not follow under 5714 (g) and (f). The PPA's ability to perform routine field inspection has caused our drivers to feel intimidated and discourages them from providing service to the downtown train and bus stations because they don't want to be harassed. We are currently having the same problem on Main Street. If the PPA is permitted to have this power we ask that we are given the right to either request a supervisor from the TLD or be allowed to send a representative from the company to document what has taken place. We also want the driver to have the ability to request the police to come in instances where that inspector is abusing his authority and causes the driver to feel threatened.

1017.37 Inspection subsequent to vehicular accident or damage. These requirements are impractical. With the PPA requiring practically brand new vehicles any scratch to a vehicle could cost \$500 or more. And on that thought, who will be estimating these damages? It is very rare that the Authority grants any kind of responsibility to lie with the Certificate holder. Prices vary greatly between garages and my own garage. Will the Authority now require us to get our vehicles checked at their location to estimate the amount of damages? For damages of \$500 we must again present our vehicle to the TLD's inspection station. Once more, we will have to schedule an inspection on the PPA's time which could further delay the vehicle from being placed back into service. Surely, there will be another inspection fee.

1017.38 Change of vehicle. This provision should only pertain to Medallions not Partial Rights as the statute 5714(a) only sets the requirement for Medallion compliance. There are costs associated with this, currently the charge is \$200 and is time consuming to say the least.

1017.42(b)(3) Prerequisite to inspection. Inspection will not be initiated without payments of outstanding fines, fees, penalties and taxes. A PPA parking ticket in this instance could hinder us from acquiring the necessary state and emissions testing and in turn, potentially affect our suburban operating rights. This is hardly fair, especially considering that the ticket violation would have been done by an independently contracted driver who was responsible for the ticket.

1017.43 Approved models and conditions. This should be consistent with the PUC or standards should be set in the regulations without referring to the TLD website.

Problem #8: Impoundment of Vehicles and Equipment. This section needs to be cleaned up and clarified. What will constitute the Authority's rights to impound? In the last five years I have witness the parking authority impound a vehicle while a vehicle was off duty and the driver and his son were in the barbershop. They came into the barbershop and embarrassed the driver in front of a room of people and his little boy. They impounded the vehicle and later found to be successful in the PPA's court. We have not gotten refunded for the costs of the tow and impoundment fees. I have seen vehicles being impounded for use of a driver without a PPA Certificate. In this instance, our driver was PPA certified but the inspector could not find any record of it and the driver could not produce it. We spoke with the manager of enforcement before they impounded the vehicle and explained that we do have a valid copy of his certificate and we faxed it over immediately. They still impounded the vehicle and released it two days later without issuing us a fine but continued to make us pay tow and storage. These scenarios illustrate the abuse of power employed by the Authority. They have no repercussion and they know it. Actually, they benefited by receiving income for the towing and impoundments. I have also seen a vehicle being impounded while conducting paratransit services. I personally explained to the officer that this particular job was under paratransit authority and I was told that his boss instructed him to impound the vehicle anyway. We appealed this ticket and won in court but what it all boils down to is that our service was interrupted causing an embarrassment with our account, fees had to be paid to the Authority with no refund and payment was made for attorney representation. The ability to seize our property causes our drivers to be intimidated and retention of drivers has proven to be difficult because our drivers have started to believe that this enforcement is targeted towards them.

Problem #9: Please, Philadelphia Parking Authority, please tell me why should a company whose territory occupies less than 10% of the city be 1. charged more than a Medallion with city-wide rights and 2. have to pay two assessments to two separate agencies when no other taxicab in the state has to? Why should a company whose territory occupies less than 10% of the city be required to comply with 4 inspections a year by two state agencies when a medallion only has to comply with 2 per year by one state agency? Why is it that the PUC is able to absorb the inspection costs into the assessments whereas the PPA must charge for all inspections and reinspections with the possibility of fines for missing an appointment you scheduled, on your time, without discussion if the timing was acceptable? Why is the PUC able to do their inspections at our garage facility in the Germantown section of Philadelphia whereas the PPA takes into no account that Germantown Cab's garage facility is over 13 miles away from the PPA's inspection station in where during rush hour it could take over one hour to arrive at their location? Forget about notarizing a power of attorney for the driver, waiting at the station, the return, the downtime, gas, mileage. Forget about having an honest mistake in paperwork which would require you to go back to your garage, correct the problem and then reschedule a reinspection with the PPA for another fee and start all over again. All this could have been avoided had the inspection been done at our garage facility. Frustrating is an understatement. The PPA supposedly does inspections at private garage facilities for large fleets. Is a fleet over 100 vehicles not considered large enough? What is large enough? In their comprehensive knowledge of public utilities systems, the PUC understood that when inspecting an operating fleet as large as Germantown Cab's 130 vehicles, it would be almost impossible, time consuming and most importantly cause a great disturbance in servicing the public should they require the whole fleet to be inspected at a separate location.

Problem #10: Meters. 1017.24 Cannot apply to us without serious revisions. There are too many dual agency conflicts that arise. How will the PPA address these conflicting regulations? Our vehicles travel throughout the Philadelphia and Montgomery counties all day long, servicing both areas with the same vehicle. If my driver is performing a PUC authorized trip with the cab they would not be subject to these regulations. The Authority's proposed regulations on meters is designed to separate our fleet, creating

service and financial issues. If we are forced to separate our fleet it would bear too many costs including additional staff and acquiring another facility. Logistically, this wouldn't work when your operation is based on need. There are times when the workload is heavy and times when the workload is lighter. There is no way to forecast on a daily basis which areas would require the most attention. This is another instance where driver retention becomes a problem. There is no incentive for drivers to operate in our vehicles when we are *the most heavily harassed and confusingly regulated taxicab company in the state*. We as the carrier are being held to two standards when the Medallion's are being subject to one. The way this new system is designed is for the cab to only have one meter in the vehicle. Normally I would agree with this, but PPA 1017.25 says "a taxicab is prohibited from containing a taxicab meter other than the approved meter inspected and sealed by the authority." This is impossible because my rates in the suburbs are different than the Philadelphia rates. Additionally, there are standards that the commission bestows upon us regarding meters. "The responsibility for sealing the meter and appurtenant equipment and for maintaining the seals intact while the vehicle is in operation lies with the certificateholder. It is the responsibility of the certificateholder to cause the meters to be so regulated that the fare is be calculated and registered in accordance with the current tariff rates on file with and approved by the Commission." The PUC standards make sense to a fleet of our size and gives us the ability to solve our problems real time. What exactly is the PPA looking to approve? Meters can be calibrated and sealed by licensed technicians

Section 1017.24(d) wants the meter have the ability to provide a receipt, which will require a printer. The information that the authority wants displayed my not pertain to that trip or a certified driver. For example, the authority wants the phone number or e-mail address to be used to report complaints. What if we are doing service under the PUC? This could cause confusion to the passengers. The PUC also has regulations on Consumer information as well. 29.318 provides that a decal be posted on the inside of the right rear vehicle, the PUC wants this decal to be issued by them given their information to address complaints. What do we do? 1017.24(4) relates to credit card machines. This is not regulated by the PUC and Germantown would have enormous costs associated with complying. Another point is that the PPA is using the taxicab account to process these transactions and our suburban and paratransit transactions would be grouped into this. 1017.24(5) wants the meter to have a driver recognition function to prevent anyone other than a certified driver to operate. This standard is unattainable being that our certificate utilizes a driver base that encompasses both the PPA and PUC territories. These vehicles operate under both authorities using the same vehicle. 1017.24(6) The PPA wants the ability to remotely disable the meter. I have witnessed the parking authority abuse their powers too many times to know what this can do. The PPA needs to specifically state in what instances they would have the ability to perform this extreme operation.

Problem #11: Dispatch and GPS system. We do not believe that the PPA has the statutory authority over our dispatch service. Assuming that they do, there would be an initial and monthly cost associated with compliance. If they don't approve of the meters currently in use, the conversion costs are at least \$2500.00 per vehicle, making this conversion easily \$325,000.00 or more in which the PPA stands to gain a 10% commission according to their contract with Verifone. There will also be a monthly fee associated to operate this system which is a minimum of \$18 per vehicle. This will cost us no less than \$28,080 a year at a minimum. Even more damaging and logistically impossible is the mandatory association of Partial Rights with a centralized dispatcher. According to 53 Pa C.S. 5721, only Medallion taxicabs are required to be associated with a centralized dispatcher. Since the PPA has retroactively capped these Certificates as well, our dispatch department will be unable to obtain certification and will be forced to close its doors having to place over 30 employees out of work.

Problem #12: Driver Certification. Partial Rights Certificate holders were never required to have driver's certified and should not have to today. Act 94 is again, verbatim. Additionally, the inapplicable driver exams, illegal criminal record standards and dual authority territories create difficulties that are not easily rectifiable.

Problem #13: Partitions. Germantown Cab, again, was not required to comply with this provision in the Medallion Act. Suburban taxicab providers have a *direct* advantage over our vehicles with partitions. This requirement is also the driving force for the PPA's requirement for extended rear seating since the partition takes an enormous amount of space and has found to be very dangerous to the public. The partitions are known to break noses and jaws and in some instances cause passenger deaths. This partition also interferes with our paratransit authority where some medically handicap people are unable to comfortably fit into the rear of the vehicle and must lie down in the rear seat. This also prevents tall and heavy set people from enjoying our services as well. We have had multiple complaints and have lost long time customers who were very unhappy with the addition of the partitions.

Problem #14: The Hearing Officer. The Hearing Officer's way of employment is through the Authority's regulation. PPA should have a standard similar to the PUC such that an ALJ or someone with more of an independent association with better credentials is put in place. The Hearing Officer was not aware the Germantown Cab was not required to have its drivers certified, or that Germantown Cab is permitted to "drop off" at the Philadelphia Airport and his opinions and orders make us look like we are delusional. Furthermore, the Hearing Officer should not be allowed to eat lunch or converse with any PPA staff unless it is within the scope of a hearing. There have been times when I have called the TLD Enforcement Manager and he said that he was "in with the judge" and would have to call me back. This is hardly fair. The PPA has had comments on the subject of the Hearing Officer on the PPA's payroll in 2008 and has pushed these concerns aside. We are aware that many agencies to have some kind of Adjudication Department on payroll but the way this is set up is unfair. You don't bite the hand that feeds you. To have the hearing officer get paid by the PPA, be housed at and eat lunch with the rest of the TLD is too intertwined.

Problem #15: TLD Staff: I have had countless amounts of interactions with the staff at the TLD. I have probably had more experience and interaction with the TLD over any other carrier. I have been put through a lot and have had to struggle to maintain a polite and calm presence. The abuse that has been placed upon Partial Rights cabs is greater than any carrier that the PPA regulates. I have heard and seen things that would not be acceptable by any standard and have chosen to keep silent. We are not the type of people that want to hurt any of the staff at the TLD, but these proposed regulations are designed to drive our company from the Philadelphia market. There have been many times where the staff at the TLD has made inappropriate comments about our company and some towards me. I will only list a few things so that the Authority understands that their bullying tactics rub off on their staff members. Like father like son. And should the authority not find these examples enough, I could probably list at least 20 more, possibly even write a book. Some of the Authority's staff is absurdly rude and incompetent and here are some of our favorite episodes:

Driver Certification Processor told one of our drivers that "the last driver that got killed was from Germantown Cab" implying that he could be next.

Christine Kirling over the years has made comments such as: why do you have so many vehicles if you operate in such a small portion of the City? and, If you don't like it, then maybe you shouldn't work in Philadelphia?

The Hearing Officer has ruled against us stating that our authority has no right to *drop off* at the Airport.

Hearing officer has stated that by some magical way Germantown Cab thought they were not subject to the driver certificate process by the PUC.

Mr. Robert Black so politely told me "It's not fun anymore. Germantown Cab is like picking on the retarded kid".

Dave the TLD Doorman: "If I was out there on the street I would impound every Germantown Cab every chance that I could" or when speaking to a driver we paid to get certified told him "Now that you have been certified you know you can drive for any company you want" and then handed him a phone number of a different taxi company.

Inspector Rotan: Does not know the basic definition of paratransit. He thinks it involves only people in wheelchairs. We have complained to the PPA about Mr. Rotan's conduct on more than one occasion and have included this issue on testimony. He often uses profanity like telling our drivers "f**k Joey" while we were on the phone or while witnessing a complaint he referred to a driver as a "f**king raghead".

Problem #16: Partial Rights Certificate territories are defined within the regulations. This should be removed as it would be unreasonable should any one of the Partial Right CPC's territories get redefined by the legislature. Having territories spelled out in the regulations would create situations where the regulatory review process would have to be initiated to make a change that would have already been through the legislative process.

Problem #17: Insurance Limit Requirements. The requirements set by the PPA are too high and will surely lead to a tremendous increase in insurance premiums. We service an area that has a predominantly low income and because of the narrow roads and high volume of fraudulent claims, we are thrown into litigation more often than the average Medallion. Our losses not based on a per vehicle basis but rather on the entire fleet which leaves us with more exposure. Our insurance costs are already 30% more than a Medallion.

Problem #1 is no more or less important than any of the other issues presented. Each is just as important as the next and all are dependent on each other. There are many more issues that can and should be addressed but the 30 day time limit, set by the Authority, is way too short for this large body of work. Feasibility studies should be conducted and presented so that we may comment and assist the Authority more effectively in this new endeavor of promulgating their regulations in accordance with the CDL.

We have stated it a million times over but we do truly believe that Act2004-94 does not apply to us. One regulating state agency would calm the chaos that has ensued over the past five years. There have been so many issues which have become unnecessarily complicated. We implore the PPA to remove Partial Rights from their regulations and let the PUC take full regulatory control. Being that the PUC currently regulates these types of taxicabs in and out of Philadelphia we wish this singular governing agency so that we may continue to provide this necessary service that was trusted to us.

We sincerely appreciate the opportunity to comment. Thank you, from all of us at Germantown Cab Co.

We sincerely appreciate the opportunity to comment. Thank you, from all of us at Germantown Cab Co.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'J. Gabbay', written over a horizontal line.

Joseph Gabbay

AFFIDAVIT OF MICHAEL J. KIRK

I, Michael J. Kirk, being duly sworn according to law, hereby depose and say:

I am an adult citizen of the United States. I was born in Philadelphia on June 21, 1954, and I have lived in Philadelphia my entire life. I currently reside at 1435 S. 53rd Street, Philadelphia, Pennsylvania.

I am gainfully employed as a taxicab driver for Germantown Cab Company. I lease a taxicab on a 24 hour basis from Germantown at the rate of \$620 per week.

On January 21, 2011, I was on duty and driving a Germantown Taxicab. I came on duty that morning at approximately 7:00 a.m. At approximately 9:00 p.m., I was sitting at the taxicab stand at Wayne and Cheltenham Avenue, which is within Germantown's authorized territory, when the radio dispatcher called out "Roxborough, do I have a cab in Roxborough?" Roxborough is also within Germantown authorized territory. I "bid" for the job by broadcasting my location and I won the job because I was the closest taxicab to the fare pick-up. The address was 4226 Main Street in Manyunk, which is next to Roxborough. Germantown is authorized to pick up fares in Manyunk if the job is called into the dispatch.

I went to pick up the fare and when I got there the store appeared to be a Sweet Shop that sold strawberries and candy, but no one appeared to be waiting for a taxicab. I asked the dispatcher to call the fare out to the street for pick-up. The dispatcher tried to call the fare and told me that it was a bad phone number. He told me to see if I could find the people who called for the cab. I got out of the cab and went up to the store and I didn't see anyone in the shop, not even workers.

I went back to the cab and called the dispatcher and told him it was a "9" meaning a blank (i.e. no-show). He told me he would try the number again and told me to sit there. He failed on his second attempt and called me and told me to get out of there.

Before I left, I noticed that there was a pizza shop across the street, so I decided to get something to eat. I got a slice of pizza and went back to my cab. When I returned there was an older gentleman standing on the steps of the Sweet Shop looking at my cab. I thought it was my fare, so I asked him if he called a cab. He made a gesture with his thumb pointing in the same direction the cab was facing and I took that to mean that he had called the cab and wanted to go. Sometimes, when we are called to a location in Manyunk, the patron has been drinking and they don't always communicate too well. I didn't think anything of the fact that he didn't say that he had called the cab.

We got into the cab and he asked to be taken to the Manyunk Diner, which was about 2 miles away. As I understood it, I was authorized to take him wherever he wanted to go as long as he called our dispatch.

As I turned into the diner parking lot, the fare told me to stop right here. I turned to collect the fare and instead of paying me he got out of the cab. I assumed that he was going to come around the cab to pay me. While I was looking at him, my driver's door swung open and it startled me because I hadn't seen anyone. When I turned, I saw a uniformed officer. He was a white man, about 6 feet tall, with dark hair and glasses. He told me to get out of the cab. At first, I thought he was a police officer, but I quickly realized he was a parking authority enforcement officer. He did not identify himself and showed me no identification. He told me to get out of the cab. I say "What are you talking about?" He told me to "Get the fuck out of the cab, I'm taking it." I told him that I was going to call the owner. He said, "We know Joey, that

asshole." He told me to give him my driver's license. At that point, I went along with him and gave him my license. He looked at it and then told me to get all my stuff out of the cab. At the time, I was still sitting in the cab. I said "What are you talking about, it cold out here." It was 22 degrees out and it was windy. He said, "Just get out of the cab."

I complied because I was worried that he had my license and I make my living with my driver's license and I didn't want to jeopardize that. When I got out of the cab, I noticed that a parking authority patrol car had pulled up behind me to block the cab's exit from the parking lot and another pulled in front of me. I never saw them pull in because I had been looking at my fare. I asked the officer how I was going to get home. He said, "I don't care, you're going to walk."

From that point, he took my license and the keys to the cab and put it under a silver clipboard and he started walking to his car. I said, "Where are you going with my license, it's cold out here." He told me that he was going to write me up. He told me I could sit in the back of the cab, but not the front. I asked why I couldn't sit in the front where there was more room. He said, "You might have an extra set of keys and try to pull off." At this point, I was fed up with the officer and I told him I wasn't going to sit in the cab, I'll just stand right here."

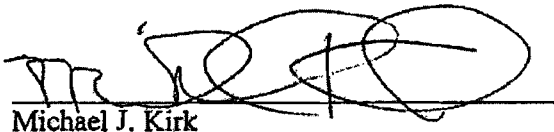
He went to his car and wrote me up. He asked me for a PPA driver certificate, which I don't have, and my social security number. I stood there for about 20 minutes. He did allow me to get my jacket out of the trunk. After he was finished, he gave my license back and told me I could leave. He gave me a pink paper which I believe was a towing report. There were two tow trucks sitting in the parking lot and one of them pulled up and towed the cab away.

At that point, I called Joey Gabbay, the General Manager of Germantown Cab Company. He was at home. He answered the phone and I explained what happened. He told me wait there and he and his father would come and pick me up. I went into the vestibule of the movie theater and waited for Joey and his father to arrive. It took them about 40 minutes to arrive. In the meantime, I observed the parking authority impound another vehicle. I did not know the driver and I did not speak to him. The parking authority cleared out before Joey and his dad arrived.

When Joey arrived, he asked me what happened and I told him that the parking authority had just left. We got in Joey's car and we drove around trying to find the parking authority. We didn't find them so he took me back to the Germantown garage and he gave me a car to drive home.

When we got back to the garage, Joey immediately went into the dispatch office and asked the dispatcher whether I was on a wire for the job in Manyunk. The dispatcher picked up the slip off of my hook and gave it to Joey. He told me not to worry about the ticket, he would take care of it. I got my car and went home.

IN WITNESS WHEREOF, I have set my hand this 3rd day of February, 2011.


Michael J. Kirk

PUC QUESTIONS
APPLICABILITY
OF MEDALLION ACT

located at 45 East Chestnut Hill Avenue,
city of Philadelphia; which is to be a
transfer of part of the rights under the
certificate issued at A-00107245, F. 1,
to Philly Cab Company, a corporation of
the Commonwealth of Pennsylvania, subject
to the same limitations and conditions.

John J. Gallagher for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed
March 8, 1993. Public notice of the application was given in the Pennsylvania
Bulletin of April 10, 1993. The unopposed application is certified to the
Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

The applicant seeks to acquire a part of the rights held by Philly
Cab Co. under the certificate at A-00107245, F. 1. Philly Cab Company will
retain rights at A-00107245, F. 1, F. 2 and F. 3 which authorizes the service in
the city and county of Philadelphia operating four (4) vehicles in Zone A, two
vehicles in Zone C and thirty-one (31) vehicles city wide.

The transfer of part of the authority at Folder 1 here subject will
transfer to the applicant authority for which medallions have not been issued
and P numbers have not been assigned.

The Pennsylvania Code at 66 Pa. C.S. §2404 requires that a vehicle
may not be operated as a taxicab in the cities of the first class (Philadelphia)
unless a certificate of public convenience is issued authorizing the operation
of the taxicab and a medallion is attached to the hood of the vehicle. Section
2404(c) further provides that a vehicle authorized by a certificate to provide
call or demand service in the cities of the first class may transport persons
and their baggage upon call or demand; and parcels, packages and property at the
same basic metered rate charged to passengers, between points in the city of the
first class for which a certificate is issued; from any point in the city of the
first class for which a certificate is issued to any point in the Commonwealth;
from any point in the Commonwealth to any point in the city of the first class
for which a certificate is issued if the request for service for such
transportation is received by call to its radio dispatch service; and from any
point in the city of the first class for which a certificate is issued to any
point outside the Commonwealth as a continuous part of a trip. Since portions
of the city of Philadelphia are here involved and since medallions and P numbers


have not been assigned, & question arises as to the applicability of 66 Pa. C.S. §2404.

A review of Commission records finds that this is a novel situation before us being the first transfer application involving service in portions of Philadelphia without a medallion or P number. For this reason, it is our determination that the transfer application should be assigned to the Office of Administrative Law Judge for hearing to determine whether or not the authority involved should be cancelled as not consistent with the medallion legislation and the rules and regulations of the Commission; THEREFORE,

IT IS ORDERED: That the application at A-00110733 be and is hereby assigned to the Office of Administrative Law Judge for public hearing.

IT IS FURTHER ORDERED: That the Commission's Law Bureau be and is hereby directed to participate as a party.

BY THE COMMISSION,


John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: September 23, 1993

ORDER ENTERED: SEP 28 1993

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Penn Cab Company

Docket No. A-00110733

**MAIN BRIEF OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION
LAW BUREAU**

**Janet M. Sloan
Assistant Counsel**

**Rhonda Daviston
Assistant Counsel**

**John F. Povilaitis
Chief Counsel**

**Pennsylvania Public
Utility Commission**

**G-33 North Office Building
Harrisburg, Pennsylvania 17105-3265
(717) 787-3663**

Date: December 7, 1995

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TABLE OF CITATIONS

Cases

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Cheldon Radio Cab Co., Inc, Docket No.
A-00106517C9102 (Recommended Decision dated
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PROPOSED FINDINGS OF FACT

1. On March 8, 1993, Penn Cab Co. applied to the Pennsylvania Public Utility Commission (Commission) to transfer part of the operating rights held by Philly Cab Co. at A-00107245, F.1.
2. The rights sought by Penn Cab Co. were to operate a taxi service in a section of the City of Philadelphia that essentially encompasses the Germantown, Manayunk and Chestnut Hill areas of the City.
3. The rights sought by Penn Cab Co. are currently operated by Philly Cab Co. as per its authority without medallions.
4. The Medallion Act at 66 Pa. C.S. §§2401 et seq. governs the taxicab industry in cities of the First Class (Philadelphia) and was passed by the Pennsylvania legislature on April 4, 1990.
5. The application of Penn Cab Co. was not protested.
6. By Commission order adopted September 23, 1993 and entered on September 28, 1993, the application of Penn Cab Co. was assigned to the Commission's Office of Administrative Law Judge for determination of whether or not the authority involved should be cancelled as not consistent with the Medallion Act and the concomitant rules and regulations of the Commission.
7. The matter was scheduled for a hearing on May 18, 1994 before Administrative Law Judge Cynthia M. Williams Fordham.
8. The May 18, 1994 hearing was cancelled when the Commission's Law Bureau and the attorney representing Penn Cab Co. reached a settlement.
9. ALJ Fordham rejected the settlement in an order dated August 8, 1994 and directed that the matter be scheduled for hearing.
10. A hearing on the application of Penn Cab Co. was scheduled for October 14, 1994 before ALJ Fordham.
11. Philly Cab Co. presently holds authority to operate as a taxicab in the City of Philadelphia.
12. Philly Cab Co. has two distinct authorities for taxicab operations: city-wide medallioned cabs and non-medallioned "neighborhood" cabs.
13. The non-medallion "neighborhood" cabs are the subject authority of this proceeding.

14. Philly Cab Co. operated 42 non-medallioned "neighborhood" cabs as of October 14, 1994.
15. Philly Cab Co. operated 36 medallioned cabs as of October 14, 1994.
16. Philly Cab Co.'s tariff for the neighborhood authority is identical to the tariff for medallioned Philadelphia taxicabs.
17. Philly Cab Co., through its non-medallioned neighborhood authority, currently provides a beneficial and crucial service to the residents of the Germantown, Chestnut Hill and Manayunk areas of Philadelphia.
18. The Germantown area of Philadelphia is a unique neighborhood that presents difficulty for commuters who do not know the area and its street layout.
19. Germantown, Chestnut Hill and Manayunk are not presently adequately serviced by any taxicab operation other than Philly Cab Co.

SUMMARY OF TESTIMONY

Two witnesses testified for the Pennsylvania Public Utility Commission Law Bureau (Law Bureau). Mr. Barry Ernst, Director of the Pennsylvania Public Utility Commission's Bureau of Transportation, testified about his recollections regarding the authority in question from the mid-1970's. Mr. Ernst recalled a Commission investigation into the adequacy of taxicab service in Philadelphia that was docketed as I.D. 171.¹ (N.T. 25-26). Mr. Ernst, a Commission employee, helped in the preparation of that Commission order. (N.T. 25-26). I.D. 171 concluded that the neighborhoods in Philadelphia were not receiving adequate taxi service and that additional competition (more taxicab authority) would benefit the public interest.

Penn Radio Cab, the predecessor certificate holder to the authority in question, was one of over 100 applications that were consolidated into ID 171. (N.T. 27). Penn Radio had applied for city-wide authority. (N.T. 27). In 1979 the Commission finally ruled on the application submitted by Penn Radio. Penn Radio was granted 30 city-wide certificates with certain conditions attached. (N.T. 28).² Among the conditions, was the proviso that Penn Radio continue to operate its neighborhood authority in addition to the

¹ Investigation Docket No. 171 was adopted by the Commission on March 31, 1977 and entered May 16, 1977. A copy of that order is appended to this brief.

² The Commission order to which Mr. Ernst referred is an Order Nisi docketed at A-00092657, F.1, Am-A, adopted on April 11, 1979 and entered on April 27, 1979. A copy of that order is appended to this brief.

city-wide authority it was granted. (N.T. 28) This neighborhood authority is the authority now being sought by Penn Cab Company. It was Mr. Ernst's testimony that the Commission specifically divided Penn Radio's authority into two distinct taxicab rights. To the best of Mr. Ernst's knowledge, these distinct rights have been operated since 1979. (N.T. 29).

Mr. Ernst testified that Philly Cab Company, the certificate holder for the two authorities granted to Penn Radio, had 36 medallioned taxicabs registered with the Commission's Bureau of Transportation as of October 14, 1994. (N.T. 19, 40). Due to the voluntary submission of taxicabs to Commission inspection, Philly Cab has identified 42 taxicabs as operating its neighborhood authority as of October 14, 1994. (N.T. 30).

Mr. Ernst testified that, in his experience, when neighborhood taxicab authority was converted to city-wide authority, the taxicabs tended to concentrate on the lucrative areas of Center City and the Philadelphia airport and the neighborhood service suffered. (N.T. 32-33). The Commission and the Legislature have made attempts to rectify this imbalance to no avail. (N.T. 33, 36).

Mr. Ernst stated that Philly Cab is supplying its neighborhood residents with adequate service. In fact, he stated that in his opinion the areas in question "probably have...a better taxicab service [than] in most neighborhoods outside of Center City." (N.T. 34). Mr. Ernst opined that cancellation of the authority in question would cause the level of service in the affected neighborhood to diminish. (N.T. 44).

Mr. Ernst identified two other taxicab authorities that incorporate a portion of Philadelphia without full city-wide authority. (N.T. 30). They are Walsh Cab (N.T. 38) and Bennett Taxicab (N.T. 42). Both certificate holders are located outside Philadelphia and operate mostly in the suburban areas. (N.T. 38, 41-42).

The Commission is authorized to issue 1,600 medallions within the City of Philadelphia. (N.T. 31, 34). As of October 14, 1994, 1,444 taxicab medallions were operating in the city. (N.T. 30).

Mr. Sant Harrison, Regional Manager of Philadelphia for the Public Utility Commission's Bureau of Safety and Compliance, testified that he is a life-long resident of Germantown. (N.T. 46). He stated that Germantown is a unique area whose logistics are "quite difficult for anyone to get around if they are not familiar with the area." (N.T. 46, also see N.T. 55). He described Germantown as a typical urban neighborhood with adjoining areas of wealth and poverty. (N.T. 47).

* Mr. Harrison described his professional and personal familiarity with Philly Cab, the present certificate holder of the rights in question. Mr. Harrison testified that when Philly Cab acquired the rights from Penn Radio, the taxi service in Germantown, Chestnut Hill and Manayunk neighborhoods increased. (N.T. 47). Mr. Harrison stated that the residents are very pleased with the service they receive from Philly Cab (N.T. 50). He stated that cancellation of the authority would be a "disaster". (N.T. 51). He elaborated that he believed that Germantown, Chestnut Hill

and Manayunk would lose taxi service because of the difficult logistics of the areas. He opined that many Philadelphia taxi drivers would not be able to get around in those areas. (N.T. 51, 56).

Mr. Harrison advocated the conversion of the neighborhood authority into city-wide medallioned taxicabs in order to ease enforcement. (N.T. 51, 57-58, 59). Despite the voluntary concessions made by Philly Cab to the Commission (N.T. 47-48, 52-53, 54-55), including adopting the same tariff as medallioned cabs (N.T. 60), Mr. Harrison pointed out the vehicle age requirement and the partition requirement as Medallion requirements to which Philly Cab's neighborhood cabs do not adhere. (N.T. 53-54). Mr. Harrison suggested that 60 medallions may be needed to fuel the conversion to city-wide medallioned cabs and still ensure the same level of service to the affected areas. (N.T. 58-59, 66).

Penn Cab presented testimony from several Philly Cab drivers. Four of these witnesses were Philly Cab Drivers who adopted the testimony of Earl Huling. Mr. Huling has driven cabs for Philly Cab for about 3 years (N.T. 69) and acted as a part-time dispatcher for about a year (N.T. 71, 82). He lives in Germantown and has for about 25 years. (N.T. 69). He has driven taxicabs in Philadelphia for 24 years (N.T. 80) for a number of Philadelphia taxi companies.

Mr. Huling described in detail the difficulty of driving a taxi in Germantown area due to its unique layout. (N.T. 69-71). Mr. Huling opined that a taxi driver unfamiliar with the area would lose money and dissatisfy the customer. (N.T. 71). He stated that

he sees very few taxicab companies other than Philly Cab servicing the areas. (N.T. 71). In a typical day, Mr. Huling makes \$100, a figure he described as consistent. (N.T. 75). It is this consistency in income that Mr. Huling finds attractive about driving for Philly Cab. (N.T. 75). He makes approximately 20 "wires" in a 12-hour shift with the average fare of about \$8. (N.T. 82).

He also testified about the consistency of the clientele (N.T. 73-74, 75). Mr. Huling stated that he and the other Philly Cab drivers have regular customers that ask for a specific driver. (N.T. 73-74). He estimated that 80-90% of the total trips that he makes are regular customers and "are steady two and three times a week or more than that." (N.T. 74).

As dispatcher, Mr. Huling testified that Philly Cab receives up to 1,500 wires (customer telephone calls that are called to the drivers over the radio dispatch) in a 24 hour period. (N.T. 72). He gave this estimate as from the early part of the month which he describes as the busiest. (N.T. 72).

He testified about the number of times that a customer has complained that other taxicabs do not respond to a customer call in a reasonable time. (N.T. 79-80). He also testified about the calls that Philly Cab gets from neighboring suburban areas to cover taxicab companies that do not operate 24 hours a day, 7 days a week. (N.T. 78).

Mr. Huling recited Philly Cab's tariff: \$1.80 for the first mile and 30 cents each additional sixth of a mile. This is the

same tariff as medallioned Philadelphia taxis charge. (N.T. 76).

Mr. Huling drives a 10 year old vehicle. (N.T. 82). He estimates that the average Philly Cab neighborhood cab is about 7 to 8 years old. (N.T. 83). He also stated that his customers would have problems if a protective barrier were installed in his cab. (N.T. 83-84).

Ms. Joan Shumaker is a patron of Philly Cab who lives in Mount Airy. (N.T. 92). Ms. Shumaker emphatically adopted Mr. Huling's testimony about the disastrous effect on residents if Philly Cab were to cease operations in the neighborhoods. (N.T. 92-93). She testified about the other cab companies that she has used after Penn Radio ceased operations and described two problems: unreliable service and unreasonable fares. (N.T. 94). Consequently, Ms. Shumaker switched to Philly Cab who she calls all the time. (N.T. 94). Ms. Shumaker uses two canes and agrees with Mr. Huling that protective barriers would make getting into and out of the cabs more difficult for her. (N.T. 93).

Jacob Gabbay, part owner of Philly Cab, testified that his company purchased the Penn Radio authority from the bankruptcy court about ten years ago. (N.T. 96). His company presently operates both portions of that authority with separate vehicles, but with a combined dispatch and garage. (N.T. 97-98). Of the 42 cabs operated under the neighborhood authority, not many would meet the vehicular age requirement of the Medallion Act. (N.T. 99). A substantial investment would be necessary to convert the neighborhood cabs to medallioned cabs. (N.T. 99). Mr. Gabbay

estimated that 60-70 medallions would be necessary to cover the neighborhoods at the same level of service. (N.T. 102, 105-106). He believes that any less medallions would be a money-losing proposition and might close the company. (N.T. 104, 105). His company could operate the neighborhood cabs as they are presently doing. (N.T. 104).

This witness testified that Penn Cab is also owned by him and his brother. The application was filed in order to separate the neighborhood and medallioned taxicabs for insurance purposes. (N.T. 109).

Paul I. Kenney took the witness stand as president of P.I. Kenney Associates, a consulting firm. Mr. Kenney researched the authority in question back to its original grant in the 1920's. (N.T. 112). In 1951 the authority was sold to Jack Giller who operated it as Penn Radio Cab. (N.T. 112). Mr. Giller bought additional authority in 1959 from the Chestnut Hill Radio Cab. (N.T. 113). Mr. Kenney's testimony centered on the archaic description contained in the authority that makes the exact geographic boundaries undefinable. (N.T. 113-119).

Menachen (Mike) Reibenbach is the manager of Philly Cab. (N.T. 123). His job is limited to the neighborhood cab operations as the medallioned cabs have their own managers. (N.T. 124). Mr. Reibenbach testified that he would be more comfortable with 70 - 100 medallions if the authority were converted. (N.T. 126).

ARGUMENT

* The Commission Should Not Cancel the Authority Sought by Penn Cab Company to Operate Taxis in the Germantown, Manayunk and Chestnut Hill Neighborhood of Philadelphia Since This Authority Fulfills a Public Need/Demand.

Under Section 1103 of the Pennsylvania Public Utility Code, the Commission is authorized to grant certificates of public convenience if the Commission determines that the granting of such certificates are necessary or proper for the service, accommodation, convenience, or safety of the public. The criteria that is used by the Commission to determine whether to grant motor carrier applications is enumerated in the Commission's regulations at 52 Pa. Code §41.14. In the instant case, Penn Cab Company ("Penn Cab") seeks to acquire a part of the authority presently held by Philly Cab Company. Because the authority sought to be transferred is non-medallioned and without "P" numbers, the Commission must decide how to handle the present situation.

A hearing was held on October 14, 1994, in which evidence was presented which supported the Law Bureau's position to transfer the authority, as is, with a few additional restrictions. Barry Ernst, then Director of the Commission's Bureau of Transportation, testified that the Commission as a result of ID 171 specifically ordered that the taxicab service within the Germantown³ area should continue and not be diminished. (N.T. p. 28). In addition to the

³ For purposes of this brief, references to Germantown area include Chestnut Hill and Manayunk neighborhoods as more clearly delineated in the certificate of public convenience's geographic authority.

30 cabs Penn Cab was authorized to operate on a city wide basis, the Commission clearly directed the certificate holder to continue with the separate and distinct "neighborhood" authority. Mr. Ernst further testified that cancelling the non-medallioned authority would be a disservice to the residents of the Germantown area. (N.T. p. 34). He continued that the medallion regulations specifically apply to taxicabs of the city-wide operating authority (N.T. p. 39) and that Philly Cab would not be required to comply with any aspects of the Medallion Act regulations. (N.T. 39). However, Philly Cab has voluntarily brought its cabs into compliance with the Medallion law although they are not legally required to do so. (N.T. pp 39-40).

Sant Harrison, Regional Manager for the Commission's Bureau of Safety and Compliance, testified that Philly Cab has an outstanding reputation in the neighborhoods. (N.T. p 50). Mr. Harrison also testified that the cancellation of the neighborhood authority would be a disaster. (N.T. p 51). He further testified that it would be easier for enforcement if Philly Cab's non-medallioned cabs received medallions. (N.T. p 51). He did not think that changing the non-medallioned cabs to medallion cabs would change the nature of the service to the Germantown area.

The witnesses proffered by Penn Cab echoed the belief that the public would not be serviced by cancelling the authority outright. Based upon the record, the Law Bureau does not advocate the cancellation of the "neighborhood" authority as a viable option. The two options that the Law Bureau sees are (1) the transfer of

the authority as it exists and (2) the conversion of the authority to city-wide medallion authority and the issuance of 60-70 medallions to Philly Cab or to Penn Cab.

The only case on point regarding this situation is Pa. PUC v. Genco Services, Inc. t/a Cheldon Radio Cab Co., Inc., Docket No. A-00106517C912 (Order entered March 27, 1992). In Genco, the Respondent was a holder of a certificate of public convenience which authorized it to operate in Montgomery County and the northeast section of Philadelphia. The issue was whether the Medallion Act applied to Genco Services because it was not authorized to provide city-wide call and demand service in Philadelphia. In the Recommended Decision written by your Honor and adopted by the Commission, you stated that

Pursuant to Section 30.11, a holder of a certificate of public convenience which authorized city wide call or demand service in cities of the first class is required to obtain a medallion from the Commission. The regulation specifically states that the vehicle equipment and vehicle operating requirements, 52 Pa. Code §§30.31 and 30.32, apply to vehicles operated in city wide call or demand service in cities of the first class.

Inasmuch as these regulations specifically mention city wide authority, holders of certificates of public convenience without city wide authority are not required to comply with the regulation. (Emphasis added.)

Id. at p. 12.

Later in the same decision, you stated "[i]n light of the administrative interpretations of the Medallion Act, the object to be attained and the consequences of certain interpretations, I

recommend that the Commission decide that the Medallion Act is not applicable to holders of certificates of public convenience without citywide authority. Id. at p. 13.

In applying Genco to the instant case, it follows that because Philly Cab is seeking to transfer that portion of its operating authority that is not city-wide and that is not presently required to be medallioned, the authority should be granted to Penn Cab without change.

In looking at the options available to the Commission, the first option, namely to transfer the authority as is, the neighborhoods involved would continue to be serviced. Clearly this option would be in the public interest. The record shows that the area needs to be serviced and that it would not be adequately serviced by non-Philly Cab medallion taxicab companies. Based on Genco and the proven need for the service, the Law Bureau recommends that the authority be transferred as is, subject to the additional restrictions and requirements suggested in the proposed settlement agreement.

The second option is not as viable and is fraught with several potential problems. First there is a list of applicants who have been waiting for over ten years to get a certificate of public convenience for city wide authority in Philadelphia. Second, there are former cab owners who lost their certificates after purchasing them from Metro Transportation Co. that seek to regain their lost authorities. Finally, there is the Commission's finding that additional medallions are not needed in Philadelphia and that

additional medallions may be economically detrimental to the existing cab companies. See Investigation into the Future Need for Taxicabs in Philadelphia, Docket No. I-00920011 (Order entered March 23, 1995). Considering the fact that there is a limited number of medallions available (the legislature has capped the maximum number of medallions at 1600 and approximately 1,444 are currently active) and the fact that there is a real concern that adding additional medallion taxicabs to the streets of Philadelphia could harm the entire taxi industry and the fact that there are many others who seek medallions from the Commission, this option is not very attractive.

In addition, a change of this magnitude in the very nature of the authority sought should be required to be published. Since the proposition under option 2 would involve a substantial change, republication of the application in the Pennsylvania Bulletin would seem necessary pursuant to 52 Pa. Code §3.381(b). This would open the application to protests from all of the affected city-wide taxi companies. This means that the applicant would be back to square one.

Because the authority sought is necessary for the service, accommodation, and convenience of the residents of the Germantown area, and because Penn Cab has voluntarily agreed to comply with vital portions of the Medallion Act, the Law Bureau recommends that the authority be transferred as requested.

The Medallion Act, 66 Pa.C.S. §§2401 et seq., Does Not Require that the Neighborhood Authority Sought by Penn Cab Co. be Converted to Medallioned Taxicabs Since the Authority Does Not Involve City-wide Rights

The Medallion Act, 66 Pa. C.S. §§2401 et seq., requires that holders of certificates of public convenience for city-wide call or demand service obtain a medallion and comply with the vehicle and driver regulations contained therein. The question that arises is whether a taxicab company that is not authorized to provide city-wide call or demand service in Philadelphia is subject to the Medallion Act. In Genco that question was answered with a resounding NO.

In Genco, the Commission reasoned as follows:

The administrative interpretation of the Medallion Act can be determined by reviewing the Commission's regulations for the Medallion program. Said regulations are set forth in 52 Pa. Code §§30.1 to 30.64. Pursuant to section 30.11, a holder of a certificate of public convenience which authorized citywide call or demand service in cities of the first class is required to obtain a medallion from the Commission. The regulation specifically states that the vehicle equipment and vehicle operating requirements, 52 Pa. Code §§30.31 and 30.32, apply to vehicles operated in city wide call or demand service in cities of the first class.

Inasmuch as these regulations specifically mention city wide authority, holders of certificates of public convenience without city wide authority are not required to comply with the regulation.

Moreover, it would be difficult to include holders of certificates of public convenience that do not authorize citywide authority in the medallion system because the procedure to obtain certificates in Philadelphia differs from the procedure in the rest of the Commonwealth. The 1980 amendment to the

Public Utility Code, 66 Pa. C.S. section 1103(c), authorized the Commission to issue a maximum of 1,400 certificates of public convenience for taxi service in any city of the first class. Each certificate would allow the owner to operate one taxicab. Therefore, the holders of certificates of public convenience were given the number of individual certificates that corresponded with the total number of vehicles that they were permitted to operate. The Medallion Act, 66 Pa. C.S. §2403, reiterates this concept by stating that "a certificate of public convenience is a licensing right which accompanies each medallion and authorizes the operation of one taxicab in cities of the first class." Although section 1103(2) allowed the Commission to issue a maximum of 1,700 certificates within eighteen months of the effective date of that subsection, the Medallion Act, section 2407, restricts the number of certificates to 1,600. This system clearly excludes companies like Genco. The Commission issued an unlimited certificate of public convenience to Genco at Application Docket No. A-00106517 on March 26, 1986 (Tr. 11). During December 1990 and January 1991 the Respondent operated approximately twenty taxicabs (Tr. 11-12).

In light of the administrative interpretations of the Medallion Act, the object to be attained and the consequences of certain interpretations, I recommend that the Commission decide that the Medallion Act is not applicable to holders of certificates of public convenience without citywide authority.

Id at 12-13.

The Commission's reasoning and holding in Genco interpreted non city-wide authority as outside the scope of the Medallion Act. It is apparent that the authority sought by Penn Cab is very similar, if not identical, to the type of authority at issue in Genco. A non city-wide authority taxicab is not subject to the requirements contained in the Medallion Act. Rather it is more

properly governed by the provision in the Medallion Act entitled "Other vehicles". 66 Pa. C.S. §2404(d).

Consequently, the Law Bureau recommends that the authority be transferred as "neighborhood" authority with the added provisions regarding vehicle safety and driver certification that the parties agreed to in the proposed settlement agreement.

PROPOSED CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and subject matter of this proceeding.
2. Penn Cab Company, Applicant, has met its burden of proof under 52 Pa. Code §41.14(a) by showing public need/demand for the taxi authority sought.
3. The Medallion Act at 66 Pa. C.S. §2402 and §2404(a) do not require the cancellation of the "neighborhood" authority sought by Penn Cab Company.
4. The authority sought by Penn Cab Company is not for city-wide authority within Philadelphia.
5. The Medallion Act does not necessitate the conversion of the authority sought by Penn Cab Company to medallioned taxicabs since it is not city-wide authority.
6. The authority sought by Penn Cab Company is governed by Section 2404(c) of the Medallion Act.
7. The Application of Penn Cab Company should be approved as requested.

PROPOSED ORDERING PARAGRAPHS

THEREFORE, IT IS ORDERED:

1. That the application of Penn Cab Company for the transfer of part of the rights held by Philly Cab Co. under the certificate of public convenience at Docket No. A-00107245, F.1, subject to the same limitations and conditions is hereby granted.

2. That a certificate of public convenience be issued to Penn Cab Company granting the following rights:

To transport, as a common carrier, by motor vehicle:

(1) Persons between points in that part of Philadelphia bounded by Washington Lane, Cheltenham Avenue, City Line, Stenton Avenue, Northwestern Avenue and Wissahickon Avenue at specified rates for use of the vehicle (regardless of the number of passengers carried or the lapse of time) and from points in that area to points outside thereof, and from points outside the city of Philadelphia to points in the area at hourly rates, with a minimum charge of two dollars (\$2.00), all transportation to be in answer to calls made either in person or by telephone at the certificate holder's stand located at 529 West Sedgwick Street in the city of Philadelphia;

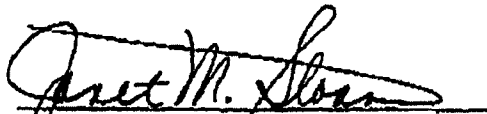
(2) Persons upon call or demand between points in that part of the city of Philadelphia bounded by School Lane, Church Lane, Wister Street, Stenton Avenue, Northwestern Avenue, Ridge Avenue, Manna-wanna Avenue, Hagey Street, Port Royal Avenue, Cross Street, Shawmont Avenue, Umbria Street, Parker Avenue, Ridge Avenue, Walnut Lane and Wissahickon Avenue, and that portion of Whitmarsh Township, Montgomery County bounded by County Line, Ridge Avenue, Butler Pike and Bethlehem Pike, and that portion of Springfield Township, Montgomery County bounded by Mermaid Lane, Stenton Avenue,

Valley Green Road and Limekiln Pike, and from points in said area to points outside the area, and vice versa, in answer to calls made either in person or by telephone to the certificate holder's stand located at the Chestnut Hill Station of the Reading Company or the premises located at 45 East Chestnut Hill Avenue, city of Philadelphia.

CONCLUSION

Philly Cab Co.'s neighborhood authority provides a necessary service for the residents of the Germantown, Manayunk and Chestnut Hill areas of Philadelphia. It has been in existence for many years and has been operating throughout the years as non-citywide and non-medallioned cabs. In fact, the Commission did not even require the authority to be converted to "certificates" under the legislation preceding the Medallion Act. The Law Bureau respectfully requests that the authority be allowed to continue and grant the transfer as requested subject to the additional requirements contained in the proposed settlement agreement.

Respectfully submitted,


Janet M. Sloan,
Assistant Counsel


Rhonda L. Daviston
Assistant Counsel

Law Bureau
Pennsylvania Public Utility
Commission

P.O. Box 3265
Harrisburg, PA 17105-3265

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing document upon the persons and in the manner indicated below:

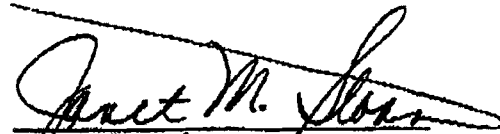
Service by First Class Mail:

Honorable Cynthia Williams Fordham
Administrative Law Judge
Pennsylvania Public Utility Commission
Philadelphia State Office Building
1400 West Spring Garden Street
Philadelphia, PA 19130

Penn Cab Company
454 Germantown Pike, Bldg. B
Lafayette Hills, PA 19444

Philly Cab Company
1314 Chestnut Street
Philadelphia, PA 19107

Richard M. Meltzer, Esq.
Mesirov, Gelman, Jaffe, Cramer & Jamieson
1735 Market Street
Philadelphia, PA 19103-7598


Janet M. Sloan
Assistant Counsel


Rhonda L. Daviston
Assistant Counsel

TRANSFERS OF CERTIFICATES
REQUIRE NEW CERTIFICATES
TO BE ISSUED

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

NEW CERTIFICATE
REQUIRED w/
TRANSFER

Application Docket No. A-00107245, F.1, Philly Cab Company

**SUPPLEMENTAL ORDER CANCELLING
CERTIFICATE OF PUBLIC CONVENIENCE**

JAF

BY THE COMMISSION:

It appearing that all the rights granted to Philly Cab Company under the certificate of public convenience issued at A-00107245, F.1 have been transferred to Penn Cab Company at A-00110733 and are now contained under the certificate of public convenience issued to Penn Cab Company; and that Philly Cab Company has no other operating authority; and the matters and things involved having been duly considered by the Commission; THEREFORE,

IT IS ORDERED:

That upon compliance with the conditions and requirements as set forth in the order at A-00110733, all the operating rights and the certificate of public convenience at A-00107245, F.1, be and are hereby cancelled, and all rights, powers and privileges granted thereby shall forthwith cease and terminate.

IT IS FURTHER ORDERED: That copy of this supplemental order at A-00107245, F.1, be forwarded to Debra Blouch, Regional Audit Supervisor, Department of Revenue, 1854 Brookwood Street, Harrisburg, Pennsylvania.

BY THE COMMISSION,

John G. Alford
John G. Alford
Secretary

DOCKETED
SEP 5 1996

(SEAL)

ORDER ENTERED: SEP 5 1996

RECEIVED
SEP 5 1996

NOTICES

Order

[35 Pa.B. 1737]

Public Meeting held
February 3, 2005

Commissioners Present: Wendell F. Holland, Chairperson; Robert K. Bloom, Vice Chairperson; Glen R. Thomas,
Recusing; Kim Pizzigrilli

Jurisdictional Agreement Pursuant to Act 94 of 2004; Doc. No. M-00051868

Order

By the Commission:

Pursuant to Act 94 of 2004, the Commission and the Philadelphia Parking Authority are empowered to resolve, by mutual agreement, any jurisdictional issues associated with the transfer of regulatory oversight of various types of passenger carriers operating in Philadelphia. In keeping with this charge, the Commission and the Philadelphia Parking Authority have identified various jurisdictional issues requiring resolution. The following Jurisdictional Agreement addresses and resolves these issues.

Upon review of the Jurisdictional Agreement, we hereby approve same and authorize the Commission's Secretary to execute the Agreement on behalf of the Commission. *Therefore,*

It Is Ordered That:

The following Jurisdictional Agreement that follows is hereby approved.

JAMES J. MCNULTY,
Secretary

JURISDICTIONAL AGREEMENT

**Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission**

and

Philadelphia Parking Authority

This Agreement between the Pennsylvania Public Utility Commission ("Commission") and the Philadelphia Parking Authority ("PPA"), covers jurisdictional issues associated with the transfer of regulatory oversight of various types of passenger carriers, operating in Philadelphia, from the Commission to the PPA pursuant to Act 94 of 2004. Section 22 of Act 94 provides that the Commission and the PPA are empowered to resolve by mutual agreement any jurisdictional issues associated with the transfer. Following meeting and discussions by the Commission and the PPA, several jurisdictional issues have been identified. The Commission and the PPA have entered into this Agreement to resolve those issues.

1. Medallion Taxicabs

Various Medallion taxicabs currently hold authority from the Commission, in addition to their Medallion authority, to

serve areas outside of Philadelphia. The Commission and the PPA agree that service provided to/from Philadelphia to/from all points outside Philadelphia, regardless of whether those points outside Philadelphia are within the carrier's extra-Philadelphia operating authority, will be regulated by the PPA.

2. Partial Authority Taxicabs

Currently, there are carriers authorized to provide taxicab service to designated areas within Philadelphia on a non-city wide basis. Section 11 of Act 94 provides that the PPA has jurisdiction over these carrier's operations within Philadelphia. These carriers also hold authority from the Commission to serve designated areas outside Philadelphia. The Commission and the PPA agree that service provided under dual authority to/from points within the PPA authorized area (in Philadelphia) to/from points within the Commission authorized area (outside Philadelphia), will be regulated by the PPA.

3. Limousines

Limousine carriers that will hold dual authority from the Commission and the PPA would fall under both entities' jurisdiction for trips to/from Philadelphia, with the exception of trips from an airport, railroad station, or hotel located, in whole or part, in Philadelphia.¹ The Commission and the PPA agree that this service will be regulated by the PPA.

4. Approval

Following execution, this Agreement shall be reported to the Appropriations Committees of the Senate and the House of Representatives. This Agreement will be effective unless either the Senate or House of Representatives rejects this Agreement, by resolution, within ten legislative days of submission.

5. Publication

Upon becoming effective, this Agreement shall be published in the *Pennsylvania Bulletin*.

IN WITNESS WHEREOF, the Commission and the PPA have duly executed this Agreement.

¹ In this case, the PPA would have sole jurisdiction. Act 94, Section 15.

[Pa.B. Doc. No. 05-478. Filed for public inspection March 11, 2005, 9:00 a.m.]

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TRANSFER AGREEMENT

**Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission**

and

Philadelphia Parking Authority

This Agreement is entered between the Pennsylvania Public Utility Commission ("Commission") and the Philadelphia Parking Authority ("Authority"), herein collectively referred to as the "Parties".

WITNESSETH:

WHEREAS, on July 16, 2004, Act 94 of 2004 was signed into law. Act 94, inter alia, transfers oversight of the Philadelphia Medallion taxicab industry and various other passenger transportation carrier types serving Philadelphia, from the Commission to the Authority, and;

WHEREAS, pursuant to the Act, the Parties have worked together for the orderly transfer of the programs. In this vein, the Commission has assisted the Authority in preparing for the transfer and ensuring a smooth transition with as little disruption as possible to public safety, consumer convenience and the impacted industries, and;

WHEREAS, pursuant to Section 22(1) of the Act, the Parties are to enter into an Agreement to effectuate the transfer of the Commission's appropriations, allocations, documents, records, equipment, materials, powers, duties, contracts, rights, and obligations which are utilized or accrue in connection with the functions under 66 Pa. C.S. Ch. 24 and in connection with limousine regulation in Philadelphia;

NOW THEREFORE, in consideration of the foregoing and of the mutual promises hereinafter set forth, and each party intending to be legally bound hereby, the Parties agree as follows:

1. DOCUMENTS AND RECORDS.

The Commission has provided the Authority with all requested documents relevant to the transfer and the Authority is the repository of those documents. In addition, the Commission has provided the Authority with all relevant electronic data in appropriate format. To the extent that additional data and records are requested by the Authority in the future, the Commission will, to the best of its ability, provide the requested information. Potential future costs incurred by the Commission in this regard will be paid by the Authority from the appropriate fund.

Additionally, to the extent the Commission requires information contained in the transferred records, the Authority will, to the best of its ability, provide the requested information.

2. ENFORCEMENT.

Sections 10.1 and 15 of Act 94, establish circumstances whereby Commission and Authority enforcement officers may commence and prosecute complaints before either the Commission or the Authority. The Parties agree to cooperate in their enforcement efforts under these provisions to ensure safe, reliable transportation service in Philadelphia. The Parties agree that costs incurred in this enforcement effort will be borne by the entity employing the enforcement officer and will not be reimbursable.

3. PERSONNEL

The Authority provided notice to Commission employees that the Commission determined were potentially impacted by Act 94, pursuant to Section 22 of the Act.

4. **PROPERTY TO BE TRANSFERRED.**

A complete list of the personal property to be transferred to the Authority from the Commission pursuant to Section 22 of Act 94 is attached hereto and marked Attachment "A". This property will be transferred on or before April 10, 2005.

5. **REAL ESTATE.**

The Parties have entered into an "Office Space Sub-Lease Agreement", whereby the Authority has agreed to sublease the office space located at 700 Packer Avenue, Philadelphia, Pennsylvania, effective 6:00 a.m., April 10, 2005. The Authority will sublease the premises for the entire duration of the original lease #92223.

6. **JURISDICTIONAL ISSUES.**

The Parties have entered into a separate agreement which resolves any jurisdictional issues associated with the transfer.

7. **MEDALLION OPERATING ACCOUNT.**

The Commission will maintain the Medallion Operating Account through June 30, 2005. The unexpended balance will be transferred to the Authority no later than August 31, 2005.

8. **COSTS.**

Costs incurred and to be incurred by the Commission as a result of the transfer following April 10, 2005 through June 30, 2005, will be paid by the Medallion Operating Account. These costs include, but are not limited to, outstanding contractual obligations for which the Commission remains liable, relocation costs, record and document transfer costs, and enforcement and adjudication costs.

9. **OUTSTANDING CASES AND APPLICATIONS.**

Commission personnel will prosecute all complaints pending before it as of April 10, 2005. Additionally, Commission personnel will properly dispose of all pending investigations and applications. Toward this end, on April 11, 2005, the Commission will forward to the Authority all completed or open investigations, for appropriate action. Also, the Commission ceased accepting Medallion applications filed after January 31, 2005, since it would be impossible to complete processing and transfer by the April 10, 2005 transfer date.

10. **FINES AND FEES.**

The Commission will forward to the Authority all fines and fees received after April 10, 2005, resulting from the Medallion program.

11. **FIRST CLASS CITY TAXICAB REGULATORY FUND.**

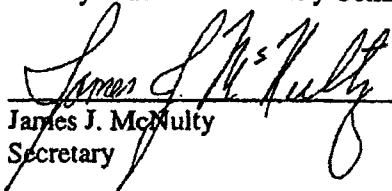
At the Commission's initiation and in coordination with the State Treasurer, the First Class City Taxicab Regulatory Fund will be transferred to the Authority on April 11, 2005. Upon transfer, fiduciary responsibility over the Fund shall pass from the State Treasurer to the Authority. Transfers to the Authority from the Fund were made on September 2, 2004, in the amount of \$3.5 million, in accordance with Section 23 of Act 94.

12. **PUBLICATION.**

The Commission shall transmit notice of entry into this Agreement to the Legislative Reference Bureau for publication in the April 9, 2005 edition of the Pennsylvania Bulletin.

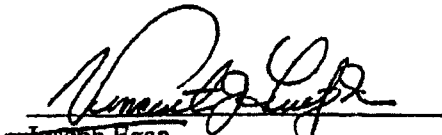
IN WITNESS WHEREOF, the Commission and the Authority have duly executed this Agreement.

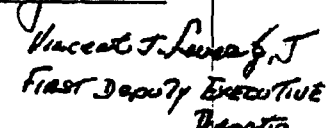
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission


James J. McNulty
Secretary

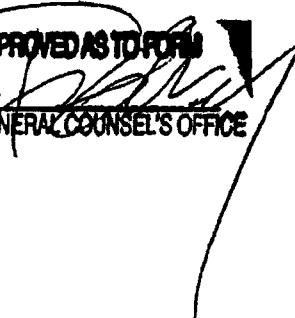
3/31/05
Date

Philadelphia Parking Authority


Joseph Egan
Executive Director


Vincent T. Lanza
First Deputy Executive Director

3/30/05
Date

APPROVED AS TO FORM
BY: 
GENERAL COUNSEL'S OFFICE

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NOTICES

Transfer of Regulatory Oversight; Doc. No. M-00051868

[35 Pa.B. 2189]

Under the act of July 16, 2004 (P.L. 758, No. 94) (Act 94), regulatory oversight of the Philadelphia Medallion taxicab industry and various other types of passenger carriers serving Philadelphia was transferred from the Pennsylvania Public Utility Commission (Commission) to the Philadelphia Parking Authority (Authority).

The Commission and the Authority have entered into an agreement to effectuate the transfer, as required by section 22 of Act 94. Transfer of regulatory oversight is effective immediately. Carriers serving Philadelphia should contact the Authority to ensure continued regulatory compliance. The Authority can be contacted at (215) 683-9785 or www.philapark.org.

JAMES J. MCNULTY,
Secretary

[Pa.B. Doc. No. 05-684. Filed for public inspection April 8, 2005, 9:00 a.m.]

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PUC 2004-2005 ANNUAL REPORT

PENNSYLVANIA MAJOR WATER UTILITIES
NOMINAL WEIGHTED AVERAGE INDUSTRIAL PRICES
1994 - 2004
(\$/1000 gal)

	UTD-PA	PA-AMER	AQUA	YORK
1994	1.53	2.42	2.48	1.09
1995	1.84	2.51	2.62	1.15
1996	1.97	2.72	2.85	1.21
1997	2.08	2.78	2.25	1.35
1998	2.20	3.01	2.55	1.37
1999	2.39	3.88	2.58	1.37
2000	2.37	3.12	2.69	1.48
2001	2.24	3.77	2.87	1.57
2002	2.22	3.53	3.11	1.65
2003	1.15	4.10	3.42	1.78
2004	1.20	4.06	3.40	1.80
% Change				
Nominal	-21.3	67.7	37.2	65.3
Real	-35.7	28.5	5.1	26.7

* Adjusted for inflation to 2004 dollars

TRANSPORTATION & SAFETY

During Fiscal Year 2004-05, the Bureau of Transportation and Safety installed a new radio system that allows enforcement officers to better communicate with other state and local law enforcement officials. Beyond their regular enforcement activities, the Motor Carrier enforcement staff participated in a national safety event. Rail Safety Division inspectors also were involved in conducting safety briefings throughout the state as well as participating in national safety activities. As of April 2005, oversight of Medallion taxicabs in Philadelphia was transferred from the Public Utility Commission to the Philadelphia Parking Authority.

Improved Radio System

The Division installed 800 mhz radios in the patrol vehicles of all Enforcement Officers. This effort will permit the Division's enforcement staff to communicate with the Commonwealth's statewide radio network. The 800 mhz radios provide PUC officers with mobile to mobile communications, and the ability to communicate with their respective District Offices, as well as the Division Office. In the future, the officers will be able to communicate with the Pennsylvania State Police (PSP) and participating municipal agencies thereby

increasing job efficiency and officer safety.

Roadcheck 2005

From June 7 to 9, the Motor Carrier enforcement staff participated in Roadcheck 2005, an annual international initiative sponsored by the Commercial Vehicle Safety Alliance. This 72-hour truck and bus inspection effort involved law enforcement and safety officers throughout the United States, Canada and Mexico. In Pennsylvania, PUC Enforcement Officers worked 12-hour shifts while PSP worked the opposing 12-hour shift at various inspection sites across the state. The concentrated inspection effort allowed the enforcement staff to conduct 603 vehicle inspections and discover 155 out-of-service violations. The most serious out-of-service violations found involved defective brakes and unsafe loading.

Enforcement Activities

The following is a brief synopsis of other Motor Carrier Services and Enforcement activities:

- 15,430 truck, bus, small passenger vehicle inspections (non-medallion),

- 1,009 informal complaint investigations,
- 609 safety fitness reviews
- 2,245 cases reviewed and
- 1,084 prosecutory actions.

Rail Safety Division

As a result of a recently issued Federal Rail Administration (FRA) Safety Advisory, the Rail Safety Division's inspectors are actively conducting safety briefings with the railroad companies in Pennsylvania. The advisory addresses the importance of the switch position in dark territory where trains operate with no Automatic Signal System. Approximately 41 percent of the railroad track in the United States is dark territory, where speeds can be authorized up to 40 mph. A large portion of track in Pennsylvania is in this category, with train speeds of 25 to 40 mph. Due to the serious nature of the Advisory, the inspectors are conducting compliance checks and attending safety briefings with the railroad companies.

Furthermore, the Rail Safety Division's track inspectors are participating with the FRA Inspectors in performing track inspections through the use of the FRA T-2000 Geometry

The Rail Safety Division is also an active participant in the national Operation Lifesaver Program, a non-profit, nationwide public education program dedicated to eliminating collisions, deaths, and injuries at highway-rail intersections and on railroad rights of way. In 2004, the Division conducted about 14 presentations to various groups which included young school students, school bus drivers, law enforcement officers, and

- 15,311 railroad car inspections
- 335 locomotive inspections.
- 4,553 miles of railroad track inspected and
- 723 operating practice inspections.

Act 94 of 2004 transferred oversight of Medallion taxicabs from the PUC to the Philadelphia Parking Authority (PPA). On April 10, 2005, the PPA officially began regulatory oversight of Medallion taxicabs.

Medallion taxis that provide service between points within Philadelphia, from points within

Some Philadelphia Medallion taxicabs have been granted operating authority from the Public Utility Commission to provide taxicab service between points outside of Philadelphia. This service remains regulated by the PUC.

The Philadelphia Parking Authority will regulate these carriers when they are providing service in PPA authorized vehicles between points in their Philadelphia designated area, from points in their Philadelphia designated area to destinations outside of Philadelphia and from points outside of Philadelphia to points within their Philadelphia designated area. These carriers also provide taxicab service between points outside of Philadelphia, which will remain regulated by the Public Utility Commission.



**Philadelphia
Parking
Authority**

Taxicab and Limousine Division
700 Packer Avenue
Philadelphia, PA 19148-5320
(215) 683-9785

April 7, 2006

Judy Gabbay, President
Germantown Cab Co.
800 Chestnut Street
Philadelphia, PA 19107

HAND DELIVERED
On April 13, 2006

Re: Assessment Overdue and Incomplete Application

Dear Ms. Gabbay:

Your taxicab application for partial rights in the City of Philadelphia remains incomplete. This information was due in February 2005. It was requested again on October 7, 2005. We have sent you several letters stating what must be done to complete your application, only to be answered with more questions, petitions to waive our regulations and additional meetings.

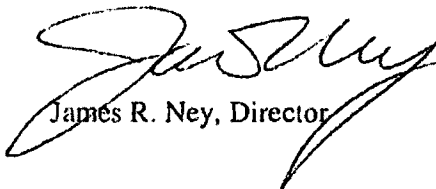
You have until close of business on **Wednesday April 19, 2006** to finish the registration and pay all outstanding fees and fines including outstanding parking violations. If you fail to do everything outlined in this letter, the necessary steps will be taken on April 20, 2006 to revoke your certificate of public convenience. Any Germantown Cab Company vehicle found to be attempting to offer service on that day or any day thereafter shall be impounded. A copy of this letter is being forwarded to the Public Utility Commission.

You must provide us with the following:

1. Criminal record checks for all owners and corporate officers from Pennsylvania if any parties lived in Pennsylvania during the past five years.
2. Update of your corporate officers.
3. Affidavit attesting to your dispatch complying with our regulations.
4. The Affirmation must be completed or supply a written explanation of why you are objecting to certain statements.
5. Updated list of all cabs you are registering
6. All fines and fees must be paid. Only \$20,000.00 has been received towards your assessment. There is an outstanding balance of approximately \$60,000.00 depending on the exact number of cabs you choose to register. All fines must be paid unless they have been appealed. You have been notified of all outstanding citations. If you need an updated list, contact Christine Kirlin at (215) 683-9653.

7. All parking tickets must be paid or arrangements made with the Bureau of Administration and Adjudication (BAA). In February your amount due was \$35,245.00. BAA will provide you with the current amount owed.

Sincerely,



James R. Ney, Director

cc: Vincent J. Fenerty, Jr., Executive Director
Dennis Weldon, Esq. General Counsel
Charles Milstein, Manager
Michael E. Hoffman, Director (PUC)
David Temple, Esq.
Michael Henry, Esq. ✓

licensure. When received, information will be incorporated into the information was... cation, even if the to August 2, 2010.

GREGORY C. FAJT,
Chairperson

(Pa.B. Doc. No. 10-1236. Filed for public inspection July 2, 2010, 9:00 a.m.)

GUEMAN TOWN CMB IS UNABLE
TO CHARGE PUC FUEL
SURCHARGE.

and 13.61 miles for paratransit and airport transfer carriers; the average miles per gallon per vehicle of 15.04 for call or demand carriers and 13.01 for paratransit and airport transfer carriers; and \$1.35 per gallon of unleaded regular gasoline (the average cost in 2002 according to Energy Information Administration of the Department of Energy). The cost per trip was calculated by multiplying the price of gasoline by the ratio of miles per trip to miles per gallon. The cost per trip at \$1.35 per gallon would serve as the base line. The results are tabulated in the chart below.

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Order

Public Meeting held
June 16, 2010

Commissioners Present: James H. Cawley, Chairperson;
Tyrone J. Christy, Vice-Chairperson; Wayne E Gardner;
Robert F. Powelson

Extension of the Fuel Cost Recovery Surcharge;
R-2009-2108518, S.P. 28209

Order

By the Commission:

The Pennsylvania Public Utility Commission (Commission) by its Fuel Cost Recovery Surcharge Order at Special Permission Number 28209, ratified June 1, 2006, authorized call or demand, paratransit, and airport transfer carriers under the jurisdiction of this Commission to adjust rates and fares to offset significant increases in the cost of fuel. The fuel surcharge became effective on July 1, 2006, and was extended on June 24, 2008 and June 18, 2009. It is currently scheduled to terminate on June 30, 2010.

In a letter received May 28, 2010, the Pennsylvania Taxicab and Paratransit Association, on behalf of its members, have requested that this Commission extend the fuel cost recovery surcharge for a period of one year. The Association cites the concern of additional expenses to the industry as the reason for this request.

Initially, all call or demand, paratransit, and airport transfer carriers were authorized to collect the surcharge found on the Fuel Surcharge page of the Commission's website. The average price of fuel was posted on the third Friday of each month, with the effective date of the surcharge being the first day of the subsequent month. The Commission determined the average cost of unleaded regular gasoline based upon gasoline prices in the index of the Energy Information Administration of the U.S. Department of Energy. The amount of the fuel surcharge was determined by locating the average price of gasoline on a chart, also displayed on that page, and selecting the corresponding fuel surcharge in the column for the respective type of transportation.

Determination of the amounts to be charged was based on the cost of gasoline per trip. The constants used for calculations were those based upon statistics from the Taxicab, Limousine and Paratransit Association: The average trip length of 6.8 miles for call or demand carriers

PASSENGER CARRIER FUEL SURCHARGE CHART

FUEL (\$/GAL)	TAXICABS*	PARATRANSIT/ AIRPORT TRANSFER**
\$3.00—\$3.09	\$.75	\$1.70
\$3.10—\$3.19	\$.80	\$1.80
\$3.20—\$3.29	\$.85	\$1.95
\$3.30—\$3.39	\$.90	\$2.05
\$3.40—\$3.49	\$.95	\$2.15
\$3.50—\$3.59	\$1.00	\$2.25
\$3.60—\$3.69	\$1.05	\$2.35
\$3.70—\$3.79	\$1.10	\$2.45
\$3.80—\$3.89	\$1.15	\$2.55
\$3.90—\$3.99	\$1.20	\$2.65
\$4.00—\$4.09	\$1.25	\$2.75
\$4.10—\$4.19	\$1.30	\$2.85
\$4.20—\$4.29	\$1.35	\$2.95
\$4.30—\$4.39	\$1.40	\$3.05
\$4.40—\$4.49	\$1.45	\$3.15
\$4.50—\$4.59	\$1.50	\$3.25
\$4.60—\$4.69	\$1.55	\$3.35
\$4.70—\$4.79	\$1.60	\$3.45
\$4.80—\$4.89	\$1.65	\$3.55
\$4.90—\$4.99	\$1.70	\$3.65
\$5.00—\$5.09	\$1.75	\$3.75
\$5.10—\$5.19	\$1.80	\$3.85
\$5.20—\$5.29	\$1.85	\$3.95
\$5.30—\$5.39	\$1.90	\$4.05
\$5.40—\$5.49	\$1.95	\$4.15
\$5.50—\$5.59	\$2.00	\$4.25
\$5.60—\$5.69	\$2.05	\$4.35
\$5.70—\$5.79	\$2.10	\$4.45
\$5.80—\$5.89	\$2.15	\$4.55
\$5.90—\$5.99	\$2.20	\$4.65
\$6.00—\$6.09	\$2.25	\$4.75
\$6.10—\$6.19	\$2.30	\$4.85
\$6.20—\$6.29	\$2.35	\$4.95
\$6.30—\$6.39	\$2.40	\$5.05
\$6.40—\$6.49	\$2.45	\$5.15
\$6.50—\$6.59	\$2.50	\$5.25
\$6.60—\$6.69	\$2.55	\$5.35

Approved Fee Schedule for the Fiscal Year beginning July 1, 2010

The table below lists the fees or assessments for the Taxicab & limousine Division for the Fiscal Year beginning July 1, 2010. The Authority may also charge for goods such as postings in taxicabs, training material and incidental services such as copying, computer access and record checks.

Fee Description	Fee
Annual Medallion Fee	\$1,250 / vehicle payable in 4 installments
Annual Fee for Partial Rights Cabs	\$1,500 / vehicle payable in 4 installments
Annual Fee for Limousines - All Classes 1 - 15	\$300 for the first 15 vehicles
Annual Fee for Limousines - All Classes 16 - 30	\$275 for the second 15 vehicles
Annual Fee for Limousines - All Classes 31 or more	\$250 for all additional vehicles
Daily Passes for Temporary Vehicles	\$30 / vehicle / day
Annual Fee for Dispatcher	\$2,500 / certificate payable in 4 installments
Dispatcher Change in Colors and Markings Scheme	\$500
Annual Renewal Fee for Driver Certificates	\$80
New Driver Certification with Classroom Training	\$130
New Driver Certification without Classroom Training	\$100
Medallion / Limousine Ownership Transfer Fees	\$2000 or 2% of purchase price, whichever is greater
Annual Financial Service Provider Registration Fees	\$1,000
New Dispatcher Application Fee	\$10,000
New Limousine Certificate Application Fee	\$10,000
New Limousine Certificate Application Protest Fee	\$2,500
Petition Filing fee for Regulation Waivers and Non-Waiver Petitions	\$200
New Car & Replacement Vehicle Transfers	\$200
PA State and FLD Semi Annual Inspections	\$75
Re-Inspection Fee at 3rd Inspection after 2 Failures	\$100
Return to Service Inspections (Inspect & Remove Out of Service Sticker)	\$20
Medallion Return after Sheriff Levy	\$200
Hearing Fee	\$50
Hearing Collateral (Returned to Appellant or Applied to Fine After Appeal)	\$100
Cab Replacement Postings (each)	\$10 (each posting)
Lien Registration Fees	\$20 / lien
PennDOT Processing Fees (above PennDOT costs)	\$20
Communication Fee Associated with Hospitality Initiative	\$18 per month
Taxi Technology Replacement Fund	\$25 per year
Replacement Registration Sticker	\$30
Bounced Check Fee	\$200
Voluntary Suspension of Medallion Rights	\$25
Additional Limousine Rights at time of Initial Application	\$2,500
Additional Limousine Rights after Initial Rights Granted by Board	\$5,000
Emission Waiver	\$100

**NOTICE TO TAXICAB AND LIMOUSINE INDUSTRY
FROM
PHILADELPHIA PARKING AUTHORITY - TAXICAB AND LIMOUSINE DIVISION
FEE SCHEDULE - FOR APRIL 10, 2005 TO JUNE 30, 2006**

The table below lists the fees or assessments upon which the FY 2006 budget is based. The Authority may also charge for goods such as postings in taxicabs, training material and incidental services such as copying, computer access and record checks.

Description	Fee
Annual Medallion Fee beginning FY 2006	\$1,000/vehicle payable in 4 installments
Annual Fee for Partial Rights Cabs beginning FY 2006	\$1,000/vehicle payable in 4 installments
Annual Fee for Limousines - All Classes beginning FY 2006	\$200/vehicle
Annual Fee for a Remote Service Provider with No Vehicles Paying the Annual Fee beginning FY 2006	\$150/certificate
Daily Passes for Temporary Vehicles or Remote Service Providers beginning FY 2006	\$25/vehicle/day
Annual Fee for Dispatchers	\$2,000/certificate payable in 4 installments
Annual Renewal Fee for Driver Certificates	\$50
Driver Training Classroom Fee	\$50
Medallion Transfer Fees	\$750 or 1% of purchase price, whichever is greater
Annual Broker and Financial Service Provider Registration Fees	\$1,000
State Inspection Fee	\$40
Re-Inspection Fee	\$100
Dispatcher Application Fee	\$1,000
New Limousine Certificate Application Fee	\$5,000
New Limousine Certificate Application Protest Fee	\$2,500
Intra-Industry Adjudication Filing Fee	\$100
Lien Registration Fees	\$20/lien
PennDot Processing Fees (above PennDot costs)	TBD - estimated to be about \$20 per transaction on average
Communication Fees Associated with Hospitality Initiative	TBD - based upon proposals under review

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2545 Session of
2006

INTRODUCED BY J. TAYLOR, MARCH 17, 2006

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JULY 1, 2006

AN ACT

1 ~~Amending Title 53 (Municipalities Generally) of the Pennsylvania~~ <—
2 ~~Consolidated Statutes, further providing, in municipal police~~
3 ~~education and training, for definitions, for police training,~~
4 ~~for automatic certification and for reimbursement of~~
5 ~~expenses; and further providing, in parking authorities, for~~
6 ~~purposes and powers, FOR LIMOUSINE CARRIERS AND TAXICABS and~~ <—
7 ~~for competition in award of contracts.~~
8 AMENDING TITLE 53 (MUNICIPALITIES GENERALLY) OF THE PENNSYLVANIA <—
9 CONSOLIDATED STATUTES, FURTHER PROVIDING, IN MUNICIPAL POLICE
10 EDUCATION AND TRAINING, FOR DEFINITIONS, FOR POLICE TRAINING,
11 FOR AUTOMATIC CERTIFICATION AND FOR REIMBURSEMENT OF
12 EXPENSES; FURTHER PROVIDING, IN PARKING AUTHORITIES, FOR
13 PURPOSES AND POWERS, FOR LIMOUSINE CARRIERS AND TAXICABS AND
14 FOR COMPETITION IN AWARD OF CONTRACTS; FURTHER DEFINING
15 "LIMOUSINE SERVICE" AND "TAXICAB"; ADDING DEFINITIONS
16 RELATING TO TAXICABS AND LIMOUSINES IN FIRST CLASS CITIES;
17 FURTHER PROVIDING, IN TAXICABS AND LIMOUSINES IN FIRST CLASS
18 CITIES, FOR CONTESTED COMPLAINTS; PROVIDING, IN TAXICABS AND
19 LIMOUSINES IN FIRST CLASS CITIES, FOR PARKING AUTHORITY
20 POWERS GENERALLY; FURTHER PROVIDING, IN TAXICABS AND
21 LIMOUSINES IN FIRST CLASS CITIES, FOR POWER OF AUTHORITY TO
22 ISSUE CERTIFICATES OF PUBLIC CONVENIENCE, FOR CERTIFICATE AND
23 MEDALLION REQUIRED AND FOR ADDITIONAL CERTIFICATES AND
24 MEDALLIONS; PROVIDING, IN TAXICABS AND LIMOUSINES IN FIRST
25 CLASS CITIES, FOR WHEELCHAIR ACCESSIBLE SERVICE AND FOR
26 AMBASSADOR TAXICABS; AND FURTHER PROVIDING, IN TAXICABS AND
27 LIMOUSINES IN FIRST CLASS CITIES, FOR RESTRICTIONS, FOR
28 REGULATIONS, FOR CIVIL PENALTIES AND FOR CERTIFICATE OF
29 PUBLIC CONVENIENCE REQUIRED.
30 The General Assembly of the Commonwealth of Pennsylvania

4822475 Pa.
9/5/15

1 DIVIDED AMONG MORE THAN 1,000 PERSONS AND NO MORE THAN 2% OF
2 THE OVERALL OWNERSHIP INTEREST IS HELD BY ANY PERSON OR
3 PERSONS PROHIBITED FROM THE PURCHASE OF A MEDALLION OR
4 INITIAL OR CONTINUING CERTIFICATION OR REGISTRATION BY THE
5 AUTHORITY UNDER THIS SUBSECTION.

6 (F) CONTINUING OFFENSES.--EACH AND EVERY DAY'S CONTINUANCE
7 IN THE VIOLATION OF ANY REGULATION OR FINAL DIRECTION,
8 REQUIREMENT, SUBPOENA, DETERMINATION OR ORDER OF THE AUTHORITY,
9 OR OF ANY FINAL JUDGMENT, ORDER OR DECREE MADE BY ANY COURT, MAY
10 AT THE AUTHORITY'S DISCRETION BE DETERMINED TO BE A SEPARATE AND
11 DISTINCT OFFENSE. IF ANY INTERLOCUTORY ORDER OF SUPERSEDEAS OR A
12 PRELIMINARY INJUNCTION BE GRANTED, NO PENALTIES SHALL BE
13 INCURRED OR COLLECTED FOR OR ON ACCOUNT OF ANY ACT, MATTER OR
14 THING DONE IN VIOLATION OF SUCH FINAL DIRECTION, REQUIREMENT,
15 DETERMINATION, ORDER OR DECREE SO SUPERSEDED OR ENJOINED FOR THE
16 PERIOD OF TIME SUCH ORDER OF SUPERSEDEAS OR INJUNCTION IS IN
17 FORCE.

18 SECTION 8. SECTIONS 5714(D)(2), (E) AND (F) AND 5717 OF
19 TITLE 53 ARE AMENDED TO READ:

20 § 5714. CERTIFICATE AND MEDALLION REQUIRED.

21 * * *

22 (D) OTHER VEHICLES.--

23 * * *

24 (2) CARRIERS CURRENTLY AUTHORIZED TO PROVIDE SERVICE TO
25 DESIGNATED AREAS WITHIN CITIES OF THE FIRST CLASS ON A NON-
26 CITYWIDE BASIS SHALL RETAIN THEIR AUTHORIZATION [THROUGH]
27 PURSUANT TO ORDERS AND REGULATIONS OF THE AUTHORITY. THE
28 AUTHORITY SHALL DETERMINE THE GEOGRAPHICAL BOUNDARIES OF SUCH
29 NON-CITYWIDE AUTHORIZATION AS NECESSARY AFTER AN OPPORTUNITY
30 FOR HEARING. THE AUTHORITY SHALL NOT GRANT ADDITIONAL RIGHTS

FOR IMMEDIATE RELEASE:
Oct. 27, 2006

GOVERNOR RENDELL VETOES HB 2545, HB 1813

HARRISBURG — Governor Edward G. Rendell today vetoed two bills: House Bill 2545, which would amend certain provisions of the parking authorities' law primarily relating to the regulation of taxicabs and limousines in cities of the first class; and House Bill 1813, which would establish an annual increase in the obligation of state funds for reimbursement to mental health and mental retardation providers.

###

EDITOR'S NOTE: Copies of the Governor's veto messages for HB 2545 and House Bill 1813 are attached.

October 27, 2006

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I am returning, without my approval, House Bill 2545, which amends certain provisions of the parking authorities' law primarily relating to the regulation of taxicabs and limousines in cities of the first class. One of the most troubling aspects of the bill is the provision that allows the Philadelphia Parking Authority to depart from the standard administrative law practice of setting forth clear and understandable reasons why a particular decision, following a hearing to contest the Authority's action with respect to the rights or obligations of a taxicab or limousine owner, was made. The grounds upon which a taxicab or limousine owner may appeal a decision are limited, so how is the owner supposed to know if he or she has grounds for an appeal if the Authority's hearing officer doesn't have to include his or her reasons in the decision? Because such a decision could involve taking away an owner's right to make a living, this seems to be patently unfair and bordering on a violation of due process for the taxicab or limousine owner. At the very least, it will mean that everyone who receives an unfavorable decision will automatically have to file an appeal—and, most likely, spend some amount of money to hire a lawyer to do so—even before they know whether they have any chance of being successful. Moreover, the bill is fraught with provisions that are confusing and seem not to serve the interests of the Parking Authority or the citizens it was created to serve. For example, the bill exempts limousines and taxicabs that operate in Philadelphia, but are "based outside" of the city from the oversight of the Authority. Besides the fact that the bill does not define what being "based outside" of the city means, it seems that this gives suburban taxicab and limousine services a distinct advantage over those that are located in the city for no apparent good reason. It also may induce companies that are already located in Philadelphia to move out of the city, which obviously is not good for the city's overall economy. In addition, House Bill 2545 exempts all parking authorities from compliance with the most important provisions of the Commonwealth Procurement Code—those relating to the openness with which contracts must be bid and awarded. This can only result in the loss of faith by the public in the integrity of these authorities. Finally, the bill exempts wheelchair accessible taxicabs from the prohibition in the current statute that a taxicab cannot be more than eight years old. There does not seem to be a good reason for this exemption.

For all of these reasons, I must withhold my approval from House Bill 2545.

Sincerely,
Edward G. Rendell
Governor

October 27, 2006

To the Honorable, the House of Representatives of the Commonwealth of Pennsylvania:

I am returning House Bill 1813 without my approval.

I am vetoing this bill because, without regard for fluctuations in state revenues or growth in other, mandated obligations, the legislation establishes an annual increase in the obligation of state funds for reimbursement to mental health and mental retardation providers. Enactment of this bill will increase state expenditures by \$75 million in the first year and cumulatively by \$1.2 billion over five years. None of this funding is included in our current budget projections.

The providers impacted by House Bill 1813 have received a 2% cost of living increase in their grants in each of the last three years, resulting in an actual increase in the level of these grants of 6.1% since July

1, 2004. The annual 2% cost of living increase is entirely consistent with the annual increase level paid to these providers in the second term of the Ridge/Schweiker Administration.

Overall, between the base funding increase and increase in funds to enable the expansion of services, providers of mental health and mental retardation services have received a 19.24% increase in funding—\$338 million in new funds—since July 1, 2003. These funding increases have enabled providers to remove almost 3,000 individuals from the waiting lists. In spite of these improvements, I remain concerned that waiting lists for these critical services persist, and I believe a more substantial increase in the grants is warranted. In the coming year, if our revenues and other expenditure demands permit us to increase the reimbursement rate more than 2% next year, I will propose doing so.

I am entirely sympathetic to the plight of these providers and very much value the extraordinary work they do. But, I do find it perplexing that so many members of the legislature who advocated for the passage of legislation imposing annual caps on state spending voted for this automatic five year growth in state expenditures of more than \$1 billion in the middle of the fiscal year.

I have proven over the past four years that the commonwealth can be fiscally responsible, maintain a balanced budget, and still make steady progress toward meeting the needs of the most vulnerable Pennsylvanians. I have, in the past, and will continue, in the future, to provide additional funding for vital human services. But, I have consistently enforced a "pay as you go policy" when it comes to the state budget—expenditure increases must not be legislated on an ad-hoc basis during the fiscal year. I will not sign legislation that either significantly increases spending or reduces revenue without a specific plan to pay for it. Such legislation should be passed in the disciplined context of building our annual comprehensive balanced budget.

For these reasons I must withhold my signature for House Bill 1813. I reiterate that I remain hopeful we can achieve progress toward this goal in our next budget.

Sincerely,
Edward G. Rendell
Governor



**Philadelphia
Parking
Authority**

Taxicab and Limousine Division
2415 S. Swanson Street
Philadelphia, PA 19148-1113
215-683-9400
215-683-9785



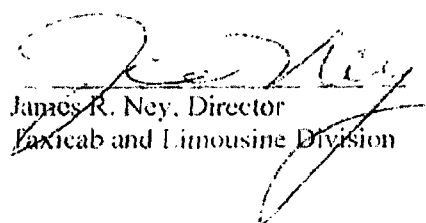
May 17, 2010

Mr. Jacob Gabbay, President
Rosemont Taxicab Co., Inc.
800 Chestnut Street
Philadelphia, PA 19107

Re: Transfer Application of Rosemont Taxicab Co.

Dear Mr. Gabbay:

Enclosed please find the decision concerning the Application of Rosemont Taxicab Co. A1023147-02.
True and correct copies of the Order and Opinion have been forwarded to all parties listed below.


James R. Ney, Director
Taxicab and Limousine Division

cc: Michael Eishert, Broker
Roman Barkan, Concord Coach USA
Charles Milstein, Esq. Assistant to Director
William Schmid, Manager of Enforcement
Mananika Jordan, Manager of Administration
and Education

THE PHILADELPHIA PARKING AUTHORITY
Taxicab and Limousine Division

In Re: Transfer Application of Rosemont Taxicab
Co., Inc., t/a Bennett Cab Services
For Partial Rights Taxicab Authority

Application: A-1023147-02

OPINION

This application was filed on April 17, 2009 by Rosemont Taxicab Co. (Applicant or Rosemont), by its President, Jacob Gabbay. It requests the transfer of the operating authority held by Concord Coach USA, Inc. t/a Bennett Cab Service.

PROCEDURAL HISTORY

1. The transferee, Concord Coach USA Inc., t/a Bennett Taxi Service has authority granted by the Philadelphia Parking Authority Taxicab and Limousine Division (TLD) to provide taxicab service as a partial rights carrier as follows:

In that portion of the City and County of Philadelphia bounded by City Line, 57th Street, Columbia Avenue, Lebanon Avenue, Haverford Avenue, Lansdowne Avenue and Cobbs Creek; (Per PUC Tariff)

The authority was originally granted by the Pennsylvania Public Utility Commission (PUC) to Main Line Transportation, t/a Bennett Cab Co. in the late 1990's. Roman Barkan purchased it and operated as Concord Coach USA, t/a Bennett Cab Co. By this transfer application, Rosemont Taxicab Co., Inc. is intending to acquire the rights held by Concord Coach USA, Inc.

2. Rosemont Taxicab Co., Inc. is a valid Pennsylvania corporation, established on May 7, 2008.
3. The corporate stock is held equally by Jacob Gabbay, President and Rachel Tiffany Gabbay- Karsenty, Secretary.
4. Jacob Gabbay also owns 100% of Germantown Cab Co. Germantown Cab Co. was granted partial rights taxicab authority by the Philadelphia Parking Authority in April, 2005.
5. The record consists of verified information submitted with the application.

DISCUSSION

Applicant seeks the initial right to commence providing taxicab service by acquiring through Transfer, the partial rights held by Concord Coach USA, Inc., t/a Bennett Cab Service.

An applicant seeking common carrier authority has the burden of demonstrating that it possesses the technical and financial ability to provide the proposed service. The two

shareholders and officers of the Applicant are Jacob Gabbay (President, holding 50% of the stock) and Rachel Tiffany Gabbay-Karsenty (Secretary, holding 50% of the stock).

The staff of the TLD has reviewed the TLD records concerning the applicant Rosemont Taxical Co., Inc. (Rosemont or Applicant) and its owners Jacob Gabbay (Gabbay) and Rachel Tiffany Gabbay-Karsenty (Karsenty) and is concerned about the overwhelming amount of evidence against approving the transfer.

To begin, there is little or no evidence submitted as to Karsenty's qualifications for the responsibilities she will undertake. There is no evidence of education or experience which would make the TLD feel she is qualified to manage a dispatch service. The TLD is aware that she worked for Germantown Cab Co. but has no evidence of the time period of her employment or her responsibilities.

Mr. Gabbay on the other hand, is well known to the TLD. Nothing, however, was submitted with the application that would shed light on Mr. Gabbay's intentions as to how the company will be managed and who will be in charge. Because of Mr. Gabbay's extensive experience in the industry, it is the TLD's belief that the decisions will be made by him. That is reinforced by what appears to be a lack of experience by the other owner, Karsenty.

While the TLD regulations were developed, the industry had many opportunities to review and discuss how the TLD intended to regulate them. On most occasions, Germantown Cab Co. (Germantown) and Mr. Gabbay chose not to attend meetings or offer comments. Their attitude seemed to be that the TLD either did not exist or was not going to regulate their company. More recently, Mr. Gabbay has requested many meetings to discuss how his company should be excused from TLD regulation. He has submitted waivers requesting the same. Each waiver has been nearly identical in substance.

Germantown has received over 250 violations since the TLD began regulation of taxicab service in Philadelphia. Rosemont Taxical Co., Inc. (Rosemont) whose application is the subject of this opinion has already received 6 citations since Jacob Gabbay took control of Rosemont.

- Citation T-04426 was issued on March 13, 2009 for "Operating Outside of Rights". Rosemont was held liable on July 13, 2009.
- Citation T-06401 was issued on April 2, 2009 for "Operating Outside of Rights". Rosemont was held liable on July 13, 2009.
- Citation T-08532 was issued on September 23, 2009 when the Philadelphia Police impounded the taxicab because the driver had a suspended driver's license. Rosemont was held liable on May 13, 2010.
- Citation T-07600 was issued on October 5, 2010 for "Operating Outside of Rights". Rosemont was held liable on May 13, 2010.
- Citation T-08028 was issued on March 30, 2010 to Rosemont because the driver had an expired driver's license. This case is contested and awaiting a hearing.
- Citation T-08711 was issued on May 14, 2010 to Rosemont for "Operating Outside of Rights". The cab was impounded.

These are similar violations to those often received by Germantown Cab. These, however, are

more disturbing in that Mr. Gabbay owns 100% of Germantown Cab as well as 50% of Rosemont and he has had over five years to familiarize himself with the TLD regulations. There seems to be a total disregard of the TLD regulations as shown by the continuous violations committed by both companies.

As recently as April 23, 2010, a Germantown cab failed to appear for an inspection. That same cab again failed to appear on April 28, 2010. On April 30, 2010 a different Germantown cab was inspected at the Railroad Station. It was discovered that the driver was operating outside of rights, had an expired PPA sticker and the driver was uncertified. The TLD can only conclude that if Karsenty is going to be trained and supervised by Mr. Gabbay, Rosemont will incur the same types of violations and in the same quantities as they continue to operate. Germantown Cab continues to occupy a disproportionate amount of the TLD's time. The TLD cannot allow Rosemont to do the same.

Mr. Jacob Gabbay as the owner of Germantown Cab Co. has not been involved in day to day contact with the TLD for over a year. The day to day management responsibility has been given to Joseph Gabbay. Nevertheless, as owner of each company he must take ultimate responsibility for the operation of his companies. At this point in time, the PPA is not satisfied with the operation of either of these companies.

After a complete review of the record, we find:

- That Rosemont has not been managed properly by its owners from its inception.
- There is no reason to believe that Rosemont will not be operated in the same manner as Germantown Cab Co.
- That management of Rosemont Taxicab Co., Inc. does not meet the standards required by the TLD.
- Rosemont does not have the technical ability to operate the company in a satisfactory manner.
- Rosemont is financially fit.
- The granting of this Application will cause harm to the public and the industry. The Application is **Denied**.

THE PHILADELPHIA PARKING AUTHORITY
Taxicab and Limousine Division

DECISION ORDER
APPEAL
TRANSFER APPLICATION
By PPA

In Re: Transfer Application of Rosemont Taxicab
Co., Inc., v/a Bennett Cab Service For
Partial Rights Taxicab Authority

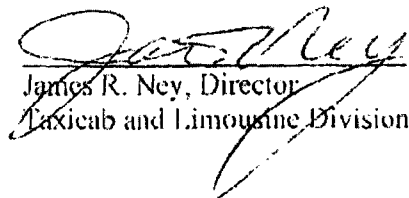
Application: A-1023147-02

ORDER

NOW THEREFORE, this 17th day of May, 2010 in consideration of the foregoing,
the above captioned Application is **DENIED**.

- The granting of this Application will cause harm to the public and the industry.
- That any and all outstanding fines, fees and parking tickets must be paid.

THE PHILADELPHIA PARKING
AUTHORITY


James R. Ney, Director
Taxicab and Limousine Division

RIGHT TO A HEARING

Pennsylvania law and the Authority's Taxicab and Limousine Regulations provide you with the right to a hearing before the Authority if you are not satisfied with this decision. (See, 3 PPA Regs §a.1). To request a hearing you must send your petition or letter by United States Mail, return receipt requested or by hand delivery, with a copy of this decision attached, and a printed or typed explanation of the basis for your objection to this decision, to the TLD Court Administrator in writing before 4:00 PM on

June 1, 2010. You have the right to be represented by an attorney before the Authority.

Serve your timely request or petition for a hearing to.

The Philadelphia Parking Authority
Taxicab and Limousine Division
Court Administrator
2415 S. Swanson Street
Philadelphia, Pennsylvania 19148

VeriFone Transportation Systems

Driver Online Access

TRIP LOG and CREDIT CARD transactions

V. 1.10

- At the bottom of the screen, you will be presented with an option to export a summary of the on screen receipts to a .csv file. To do so simply click the PREVIEW REPORT button and select a destination where to save the file, then press SAVE.

[illegible]

<http://www.adobe.com/products/acrobat/readstep2.html>

The Trip Shift Log screen gives you detail information related to the shifts you have made on a specific date range.

SECRET
DECLASSIFIED
DATE 10-10-2001
BY 6032
10-10-2001

1. Click on the Trip Shift Log Button to open the Trip Shift Log window
2. Select the date range: To select a date range simple click on the green down arrow and a calendar will appear. Click on the date, the date now appears on the credit card transaction page. Now select a date for the second date or "To" date. Remember the "From" date always needs to be an earlier date then the "To" date.

3. Click on the Find button

[illegible]

There is different information available in this screen:

- **START DATE:** Date and time in which you logged in.
- **END TIME:** Date and time in which you logged off.
- **HOURS:** Total amount of hours login in the system for that shift.
- **CAB:** Medallion or Cab number.
- **CLIENT:** Name of the Dispatcher association your cab is affiliated with (if applicable).
- **DRIVER ID:** This is the number of the driver login in the system at the moment the transaction took place.
- **GPS START LO:** Longitude Coordinate of the location where you were at the login time.
- **GPS START LA:** Latitude Coordinate of the location where you were at the login time.
- **GPS END LO:** Longitude Coordinate of the location where you were at log off time.
- **GPS END LA:** Latitude Coordinate of the location where you were at log off time.

This screen also gives you the option to export the on screen information to a comma separated value file (*.csv) that can be accessed from most spreadsheet application including Microsoft Excel. To do so simply click the REPORT button and select a destination where to save the file, then press SAVE

Michelle



**Gold Star
Training
Program**



**Philadelphia Parking
Authority's
Gold Star
Taxi and Limousine
Training**



ORIENTATION



Certificate of Public Convenience

This is the written authority granted by the Philadelphia Parking Authority to individuals and/or companies who provide for-hire transportation

Medallion

This is a plaque with an identifying number.
The plaque is affixed on the hood of the taxicab that will be providing for - hire transportation services

Types of Services and their Boundaries



1. Medallion Taxicabs.

- Must Registered with the Philadelphia Parking Authority (PPA)
- Can travel anywhere in the United States as long as the fare starts in Philadelphia
- Can travel from point to point anywhere in Philadelphia as long as the fare ends in Philadelphia

2. Non-Medallion / Partial Rights Taxicabs.

- Registered with the Public Utilities Commission (PUC) they are not Medallion taxicabs
- Can pick-up and drop-off fares anywhere in their authorized territory of Germantown
- Can drop-off a fare anywhere in the United States as long as the fare starts in Germantown
- Can not pick-up a hail outside of their area but, if dispatched can pick-up a fare outside of their area if the fare ends in Germantown

3. Metro Rights Taxicabs.

- This is a Medallion taxicab that must register with the Philadelphia Parking Authority (PPA) to provide services under the Medallion guidelines and are identified with the Medallion numbers of P-601 to P-1400
- Must register with the Pennsylvania Public Utilities Commission (PUC) to provide services to any of the other four (4) surrounding suburban counties if they have paid the county fees

* PPA and PUC are two distinct and separate agencies but, they work together to enforce their regulations

So FOCUSED
ON GERMANTOWN
THEY ARE AWARE
OF OTHER AREAS
RIGHTS?

PHILADELPHIA PARKING AUTHORITY
TAXI DIVISION
NOTES TO SPECIAL-PURPOSE FINANCIAL STATEMENTS
MARCH 31, 2007

NOTE 10 COMMITMENTS – OPERATING LEASE

The Taxi and Limo divisions entered into a 15 year lease agreement to lease administrative office space and office facilities. The terms of the lease agreement provide for lease payments on a graduated scale. Future minimum annual lease payments under the operating lease as of March 31, 2007 are as follows:

<u>Year Ended March 31,</u>	<u>Amount</u>
2008	\$ 312,700
2009	320,600
2010	328,600
2011	336,800
2012	345,200
2013-2018	<u>3,701,100</u>
	<u>\$5,345,000</u>

NOTE 11 OPERATING REVENUE

The Division receives a substantial amount of its revenue from the regulation of the Taxicabs that operate within the Philadelphia area.

NOTE 12 PAYROLL AND BENEFITS AND OPERATING EXPENSES

The taxi division allocates shared expenses to the Limo division. The expenses, if not directly identifiable, are allocated on a fair and equitable basis as determined by the Authority.

NOTE 13 ADMINISTRATIVE SUPPORT ALLOCATIONS

The Authority allocates administrative support expenses throughout all its divisions. These expenses consist mainly of security and administrative support. These expenses are allocated on a fair and equitable manner as determined by the Authority.

NOTE 14 PENSION

The authority contributes to the City of Philadelphia Public Employees Retirement System (the Plan). The city is required by the Philadelphia Home Rule Charter to maintain an actuarially sound Public Employee Retirement System (PERS) as a cost-sharing multiple employer plan, covering all officers and employees of the City, and the officers and employees of certain other governmental and quasi-governmental organizations, which includes the Authority.

PPA TLD
CONTRIBUTES
TO LOCAL
GOVERNMENT
ON MANY
LEVELS.
HERE IS ONE.
OR TWO



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

ISSUED: June 26, 1996

IN REPLY PLEASE
REFER TO OUR FILE
A-00107245M9506
G-29

DALIA GABBAY SECRETARY
1314 CHESTNUT STREET
PHILADELPHIA PA 19107

Pennsylvania Public Utility Commission
vs
Philly Cab Company

TO WHOM IT MAY CONCERN:

Enclosed is a copy of an Initial Decision prepared by Administrative Law Judge Isador Kranzel. This Decision is not subject to the filing of exceptions or administrative appeal. In its discretion, the Commission may, within 15 days of issuance of the Decision, exercise its statutory authority to review the Decision. If the Commission does not exercise its authority to review the Decision, it will become final without further Commission action. 66 Pa. C.S. §2405. The parties will be advised by the Commission when the Decision becomes final.

Very truly yours,

John G. Alford
Secretary

Encls.
Certified Mail
Receipt Requested
law

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility	:	
Commission	:	Docket Number
	:	
v.	:	A-00107245M9506
	:	G-29
Philly Cab Company	:	

INITIAL DECISION

Before
ISADOR KRANZEL
Administrative Law Judge

HISTORY OF THE PROCEEDING

On August 28, 1995, the Pennsylvania Public Utility Commission (Commission) issued a Complaint at Docket Number A-00107245M9506 against Respondent, Philly Cab Company, of 1314 Chestnut Street, Philadelphia, PA 19107, alleging that at a road check performed on August 28, 1995 at 6:40 p.m., at 2901 Market Street, Philadelphia, PA, Respondent's black Oldsmobile taxicab bearing Pennsylvania License Number TX25799, G-29, was being operated in violation of §30.76(d)(3) in that the driver was alleged to be uncertified. Subsequent to the filing of the Complaint, Respondent filed an answer on October 10, 1995, which response was sworn by Dalia Gabbay, secretary to Philly Cab Company. The Respondent contended that the driver of the vehicle was one Keith Jones, but that the cab operated was not a medallion taxi but a "G" cab. It further contended that medallion

legislation was not applicable to the operation of the authority of Philly Cab. A request for the dismissal of the Complaint was made.

A hearing was held on January 18, 1996 before Administrative Law Judge Isador Kranzel, at which time Philly Cab was represented by Richard M. Meltzer. Police Officer James Passio, Badge No. 5357, of the Philadelphia Taxi Enforcement Unit, who had conducted the road check, testified that the driver of the vehicle was not certified as required under the Medallion Law. Respondent's attorney advised the court that the issue of applicability of the Medallion Law to Philly Cab Company was then pending before the Pennsylvania Public Utility Commission at Docket Number A-00110733, that the testimony had been closed, and a decision by the Administrative Law Judge was contemplated in the near future. Accordingly, the hearing was postponed by the undersigned Administrative Law Judge until June 3, 1996.

On May 3, 1996, Administrative Law Judge Cynthia Williams Fordham rendered a decision in Docket Number A-00110733 and concluded as a matter of law that Philly Cab was not bound by 66 Pa.C.S. §2401 since Philly Cab does not have city-wide call or demand service.

At the June 3, 1996 hearing, counsel for Respondent asked the Administrative Law Judge to dismiss the Complaint on the basis of the May 3, 1996 decision at Docket Number A-00110733.

FINDINGS OF FACT

1. The Respondent in this proceeding is Philly Cab Company of 1314 Chestnut Street, Philadelphia, Pennsylvania 19107.

2. James Passio is a Philadelphia Police Officer assigned to the Philadelphia Taxi Enforcement Unit.

3. Respondent owns taxicab number G-29, one of 42 non-medallion taxicabs.

4. On August 28, 1995, at 6:40 p.m., at 2901 Market Street, Philadelphia, PA, Respondent's 1979 black Oldsmobile taxicab, bearing Pennsylvania License No. TX25799, G-29, was being operated by one Keith Howard of 1233 N. 29th Street, Philadelphia, PA 19132, also known as Keith Jones, without a Taxi Driver's Certificate.

DISCUSSION

In this case the Commission alleged that Respondent violated the Commission's regulation at 52 Pa. Code §30.76(d)(3) by allowing its taxicab G-29 to be driven by an uncertified driver.

Respondent takes the position that since Respondent is not a medallion cab, it is therefore not required to comply with the rules and regulations of the Medallion Law at 66 Pa.C.S. §2404, et. seq., and therefore, the Complaint must be dismissed as a matter of law.

Respondent bases its position on the May 3, 1996 Initial Decision by Administrative Law Judge Cynthia Williams Fordham in

the matter of Application of Penn Cab Company, Docket Number A-00110733, in which Judge Fordham ruled that the Medallion Law did not apply to Respondent's non-medallion taxicabs.

It is the opinion of the Administrative Law Judge that until the Commission promulgates specific regulations regarding taxi driver certification for operators of non-medallion taxicabs, the failure of an owner of a non-medallion cab to employ only certified drivers is not a violation of the Commission's regulations.

Accordingly, this Complaint must be dismissed since there is no legal requirement for Respondent to comply with the Medallion Law in that regard.

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties and the subject matter in this proceeding by virtue of 66 Pa. C.S. Chapter 24.

2. The Respondent's taxicab G-29 is not subject to 66 Pa.C.S. §2401 since Respondent does not have city-wide call or demand service within the City of Philadelphia.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Complaint issued by the Commission against Philly Cab Company, Docket Number A-00107245M9506, G-29, is dismissed.
2. That the record in this matter be closed.

Date: June 17 1996

Isador Kranzel
ISADOR KRANZEL
Administrative Law Judge

PH 064-1567



**Philadelphia
Parking
Authority**

3101 Market Street
Philadelphia, PA 19104-2895
(215) 683-9600

Caroline Tenuto
Secretary, Hearing Division
2415 South Swanson Street
Philadelphia, PA 19148
215 683-9479 Direct
215 683-9477 Fax

May 28, 2008

Christine Kirlin, Deputy Manager
The Philadelphia Parking Authority
Taxicab & Limousine Division
2415 South Swanson Street
Philadelphia, PA 19148-5230

**Re: Philadelphia Parking Authority vs. Germantown Cab Company
Filing of Order - Docket No. 08-03-32**


Dear Ms. Kirlin:

Enclosed, please find a copy of the Order and Opinion of Hearing Officer, Hon. Alfred Marroletti, in the above referenced matter. The Order and Opinion were filed with the Taxicab & Limousine Division on May 28, 2008. True and correct copies of the Order and Opinion have been forwarded to all parties listed below.

Unless selected for review by the Authority's Board, the attached Order shall be considered issued and final fifteen (15) calendar days from the date of this letter. *See* 53 Pa.C.S. §5705.

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

Sincerely,
The Philadelphia Parking Authority


Caroline Tenuto
Secretary, Hearing Division

Enclosure

cc: Megan M. Poley, Esquire - TLD Trial Counsel
Alfred W. Taubenberger, Chairman - T&L Committee
Germantown Cab Company

**THE PHILADELPHIA PARKING AUTHORITY
Taxicab and Limousine Division**

THE PHILADELPHIA PARKING AUTHORITY	:	
	:	
Complainant,	:	
Vs.	:	
	:	DOCKET NO. 08-03-32
GERMANTOWN CAB COMPANY,	:	
Respondent.	:	

Before
Hon Alfred Marroletti
April 4, 2008

HISTORY OF THE PROCEEDING

On February 11, 2008, Philadelphia Parking Authority (Authority) Taxicab and Limousine Division (TLD) Inspector Gurney Peay, Badge No. 12, issued Citation T-02927, charging Respondent with "Using Non-Certified Driver (PPA)".

An appeal was filed and the matter is before this Hearing Officer.

DISCUSSION

Inspector Peay testified with respect to taxicab G-18, "Cab number is G18, "H" Number, not registered, the name is Hasson L. Muhammad, tag number TX-42866, and the owner is Germantown Cab Company." (N.T. Page 5).

Inspector Peay described the circumstances leading up to the issuance of the citation as "I stopped the vehicle at Broad and Olney at 9:58 in the morning and just doing a routine stop just to make sure he had all his necessary identification and what have you, driver's license, taxi certificate. When I stopped him and asked him for his driver's license and taxi certificate, his exact response was, "we do not need to be registered for the Philadelphia Parking Authority because we have our own rights." (N.T. Page 5).

Inspector Peay then checked proper procedure to be observed under these facts, and learned "that the TLD would do an impound. That they have to be registered." (N.T. Page 6).

As part of his inspection, the inspector took several photographs marked as PPA-1 through PPA-5, and after being asked to describe the exhibits, he replied, "PPA-1 is a picture of the right side of the vehicle Germantown Cab Company, G-18, PPA-2 is showing a back part with the tag TX-42886 and G-18. PPA-3 is the Pennsylvania driver's license Hasson L. Muhammad, driver number 12 611 912. PPA-4 is showing you the registration which is the owner Germantown Cab Company. PPA-5 is the insurance identification card with the owner Germantown Cab Company." (N.T. Pages 6 & 7).

In response to Counsel's inquiry, Inspector Peay confirmed that exhibit PPA-3 depicted the Pennsylvania Driver's License of Hasson L. Muhammad, driver number 12 611 912. (N.T. Page 6). He confirmed that among the exhibits offered the driver did not have a PPA Driver's Certificate and he was never registered with the PPA. (N.T. Page 7).

Inspector Peay testified further that this driver should have been certified, and that the lack of certification is a violation of the TLD Regulations.

Respondent was represented by its Corporate President, Jacob Gabbay, with the assistance of James Walker, as a "consultant".

After some discussion as to whether Mr. Walker could assist Mr. Gabbay, he announced that he could handle the matter and the hearing proceeded.

Mr. Gabbay proceeded asking questions which were barred for lack of relevancy, and finally, Mr. Gabbay explained his reason for his inquiry, "Your Honor, I just wanted to show if I'm with an agreement with the PPA that Germantown Cab is not going to be certified until it comes to an agreement with the PPA." (N.T. Page 12).

The Respondent followed that up, with the following "Your Honor, what I'm trying to show, and my question is, if we have a non-written agreement with the PPA about certification of our drivers. We have been driving from day one when PPA came over. We never got a ticket for non-certified drivers." (N.T. Page 13).

After further discussion, the Court, in an effort to extend every courtesy to Mr. Gabbay, who was untrained in the law, asked Inspector Peay if he ever issued a citation for using a non-certified driver to any other Germantown Cab, and the inspector responded, "Yes, I have." (N.T. Page 14). The inspector admitted that he could not recall other citations issued prior to two on the weekend for G-18, and Respondent, apparently believing that the information he had been seeking was now part of the record, made the following statement, "I'm trying to make a point that we negotiated with PPA. Before that, the PPA never stopped us because they knew we didn't certify drivers." (N.T. Page 14).

When the Court suggested to Respondent that if he had an agreement it should be submitted to the Court, the Respondent replied, "We have a non-written agreement." (N.T. Page 15).

The Respondent then announced that he would like to call his "consultant", Mr. James Walker, as an expert witness, and after being advised of the legal requirements to qualify someone as an expert witness, Respondent asked if the gentleman could make a comment. In a further effort to extend the utmost courtesy to an unrepresented and untrained Respondent, the Court allowed Mr. Walker to offer his comment.

Mr. Walker testified that he was hired by Germantown Cab to assist them in getting their drivers certified.

He said that he had submitted papers with the Authority with a list of about sixty drivers to be certified, including the driver in this matter, on the list submitted.

He said further that it was his "understanding that Germantown Cab and the Authority are working together to find a procedure or to plan a strategy in order to have Germantown Cab drivers certified. They are willing and trying to get their drivers certified." Mr. Walker asserted with regard to the Respondent, that he is not fighting the PPA and that Mr. Walker was called today because he was working on getting the drivers certified.

On cross examination, Mr. Walker agreed that he was speaking on behalf of Germantown Cab, and when the Court commented, considering his testimony, "there appears to be an agreement or admission on the part of Germantown Cab that their drivers have to be certified," Mr. Walker replied, "The Regulations say that they have to be certified." (N.T. Page 20).

Even without Mr. Walker's statement, extensive research by this Hearing Officer had already led to the same conclusion, i.e., that the Respondent's driver was given faulty information when "he was told by his company he didn't need to be registered with the PPA/TLD to carry an H-card." (See Citation T-02927).

The Unsettled question of whether Germantown Cab drivers must be certified has been lingering much too long and it is time a review of the applicable law is done in an effort to resolve any doubt.

Consider, the following Citations from the Philadelphia Parking Authority Taxicab and Limousine Regulations for taxicab service in the City of Philadelphia;

Note: All underlining represents "emphasis supplied".

1. Purpose and scope: The Philadelphia Parking Authority shall act as an independent administrative agency for the regulation of taxicab and limousine service in the city of Philadelphia...and investigate and examine the condition and management of any Person providing taxicab and limousine Service in the City as established by the Act....

(c) These Regulations are the complete set of Regulations applicable to taxicab and limousine service provided within Philadelphia and replaces any previously applicable regulations of the Pennsylvania Public Utility Commission....

(d) The Authority may prescribe such rules and regulations as it deems necessary to govern the regulation of taxicabs and limousine in Philadelphia."

2. Definitions:

(a) "Act 94" or the "Act". A statute of the Commonwealth of Pennsylvania enacted in 2004, which among other things shifts the regulatory authority for taxicabs and limousines in Philadelphia from the Pennsylvania Public Utility Commission to the Philadelphia Parking Authority....

(dd) "Limousine Service." Local, nonscheduled common carrier service for passengers on an exclusive basis for compensation and/or a Common Carrier service for passengers for compensation from any airport, railroad station or hotel located in whole or in part of a city of the first class or to any airport...located in whole in a city of first class from any point within a city of the first class provided in accordance with these Regulations...

(nn) "Philadelphia", "the City", "Cities of the First Class", "First Class City."
The City of Philadelphia, Pennsylvania....

(ww) "Taxicab and Limousine Industry" or "Industry." Any and all Persons who participate in the provision of Taxicab and Limousine Service in Philadelphia, including, but not limited to, Taxicabs and Limousines Certificate Holders, Certified Dispatchers, Medallion Brokers, Financial Service Providers to Taxicab , certified to Taxicabs, certified Taxicab and Limousine Drivers and Operators.

(aaa) "Vehicle Certificate Card" or "Card" A card or set of cards that are issued to each vehicle authorized to provide Taxicab and Limousine Service by the Authority.

3. Organization

(c) Taxicab and Limousine Division: The Executive Director of the Authority shall create a Taxicab and Limousine Division (TLD) within the Authority....The TLD shall be responsible for all the ongoing activities associated with regulating Taxicabs and Limousine in Philadelphia....

(d) Advisory Committee: The Authority shall establish an Advisory Committee known as the City of the First Class Taxicab and Limousine Advisory Committee.

(i). Membership: The Advisory Committee shall consist of the following members:

(i) One representative of the Philadelphia International Airport.

Note: To demonstrate relationship and mutual interest in operation of taxicabs and limousines at the Airport.

4. Taxicabs and Limousines Allowed to Provide Service in Philadelphia:

(a) General Requirements

- (i) In order to operate or appear to operate a Limousine or Taxicab with in the City, the carrier must hold a Certificate of Public Convenience issued by the Authority.
- (ii) The vehicle must be operated by a driver who is certified by the PPA. The driver will have his Driver's Certificate on display or on his/her person as required by the Authority.
- (x) The Certificate Holder, dispatcher, vehicle Operator, and driver must be in compliance with these Regulations.

Note: The above alone in the absence of any unambiguous exemption should govern the certification of drivers.

(c) Limousines with rights in Philadelphia granted by the Authority.

(d) In addition to the Taxicabs and Limousines listed at §4.b, the following Taxicabs and Limousines may operate in Philadelphia:

- (i) Taxicabs and Limousines certified by the Pennsylvania Public Utility Commission to provide service elsewhere in the state may provide service to Philadelphia from outside the City as permitted by its PUC Certificate of Public Convenience.
- (ii) Taxicabs and Limousines certified by the Pennsylvania Public Utility Commission to provide service elsewhere in the state may pick up a fare in the City for the purpose of delivering the fare to a destination outside of Philadelphia allowed under its PUC Certificate of Public Convenience, if the request for such service was made in advance, except for Hospitality Centers where such

pickups are restricted to those with appropriate rights issued by the Authority.

Note: This is a rare instance where any special consideration appears to be given to Taxicabs and Limousines certified by the PUC but, unless it is hidden in a secret code, it does not appear that any exemption from certification for taxicabs and limousines or their drivers is included herein.

5. General Duties if Industry Members:

(a) Certificate Holder's and Medallion Holder's General Requirements

- (i) A Certificate Holder shall be legally and operationally responsible for daily supervision of the vehicle and drivers used to provide service.
- (iv) Only use certified drivers.

In considering the facts and the circumstances of this important case, Respondent's conduct herein demands close examination and search for any legal support for Respondent's insistence that its drivers need not be certified.

First, everyone, including Respondent, agrees that since transfer and replacement of Authority from the PUC to the PPA, Respondent has steadfastly failed and refused to honor the PPA's Rules and Regulations governing certification of its drivers in the City of Philadelphia. In addition, Respondent has failed to advance any substantive argument or reason why it should be exempt from the PPA Regulations. Instead, speaking in vague generalities about the fact that it had been governed by the PUC, and for some magic reason relating to that association, was excused from using Certified Drivers, an absurd proposition on its face, for some unspoken and unexplained reason arising out of the Respondent's former relationship with the PUC.

The portions of the PPA Regulations, reproduced above, do not appear to demonstrate any special or other reason why Germantown Cab should be so privileged and entitled to relief from the requirement of certifying drivers, in itself a serious and important requirement related to assuring the safety of Philadelphia's passengers.

The testimony of Inspector Peay was clear, precise, plausible and convincing, and is accepted as credible in all respects.

The evidence submitted by Respondent appears to add up to simply, "We didn't do it, because we didn't want to do it unless we reach some kind of agreement with the PPA."

What kind of Agreement between the Respondent and the PPA is unwritten and unknown?

Individuals, companies, or corporations must be made aware, if not already aware, that engaging in a business of transporting human beings for long or short distances, in heavy traffic

or in empty streets and roads, is a responsibility of the highest order, and all parties involved in what is now referred to as an "Industry" should be voluntarily cooperating to assure the safety of its precious cargo, as well as to encourage and ensure a reasonable living wages and profit for those who endeavor to honorably be involved in the "Industry".

The record herein clearly demonstrates that the Authority has met its burden of proof by a preponderance of the evidence and admission (N.T. Page 14) that the Respondent is liable as charged in Citation T-02927, "Using Non-Certified Driver (PPA)".

Respondent has testified that "I'm trying to make a point that we negotiated with PPA. Before that, the PPA never stopped us because they knew we didn't certify drivers." (N.T. Page 14).

That hardly seems reason enough to ignore what appears to be a clear violation of the law as above cited. Mr. Gabby argues that certification of drivers "has nothing to do with the neighborhood cab and we have a non-written agreement." (N.T. Page 15).

At risk of trivializing this serious issue, one couldn't resist quoting the legendary famous movie mogul, Samuel Goldwyn who is reputed as saying "An oral contract isn't worth the paper it's written on."

No legal reason has been advanced by Respondent to demonstrate its right to ignore the law, which appears to require certification of its drivers forthwith, without negotiations or other delay.

Of course, if the Authority perceives the certification of a group of 60 or so drivers by agreement as a unique situation because it would end years of dispute amicably, or for any other reason, the Authority's legal right to pursue that path appears to be inherent in § 1, Purpose and Scope of the PPA Regulations.

FINDINGS OF FACT

1. The Complainant in this proceeding is the Taxicab and Limousine Division of the Philadelphia Parking Authority.
2. The Respondent is Germantown Cab Company.
3. The Respondent in this proceeding is represented by its Corporate President, Jacob Gabbay
4. The Authority met its burden of proof by a preponderance of the evidence that the Respondent is liable as charged in Citation T-02927, "Using Non-Certified Driver (PPA)".

CONCLUSIONS OF LAW

1. The Authority has jurisdiction over the subject matter and parties in this case.
2. The Authority met its burden of proof by a preponderance of the evidence that the Respondent is liable as charged in Citation T-02927, "Using Non-Certified Driver (PPA)".
3. It is just, reasonable and in the public interest to impose a penalty of \$900.00 in this matter.

THE PHILADELPHIA PARKING AUTHORITY
Taxicab and Limousine Division

**THE PHILADELPHIA PARKING
AUTHORITY**

Complainant,

Vs.

**GERMANTOWN CAB COMPANY,
Respondent.**

:
:
:
:
:
:

DOCKET NO. 08-03-32

ORDER

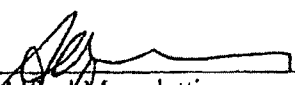
THEREFORE,

IT IS SO ORDERED:

1. The Complaint issued by the Authority is sustained as to the charge in Citation T-02927 "Using Non-Certified Driver (PPA)".
2. The Respondent is Ordered to pay \$900.00 within fifteen (15) days after service of this Order. Payment shall be made to: "The Philadelphia Parking Authority, Taxicab and Limousine Division, Customer Service Window, 2415 South Swanson Street, Philadelphia, PA 19148".
3. That the \$400.00 collateral posted by the Respondent be applied toward payment of the fine imposed.
4. That the Respondent cease and desist from further violations of TLD Regulations.
5. That the Record at Docket No. 08-03-32 be marked as closed.

Date

05-28-08


Hon. Alfred Marroletti
Hearing Officer



**Philadelphia
Parking
Authority**

3101 Market Street
Philadelphia, PA 19104-2895
(215) 683-9600



Caroline Tenuto
Secretary, Hearing Division
2415 South Swanson Street
Philadelphia, PA 19148
215 683-9479 Direct
215 683-9477 Fax

June 12, 2008

Christine Kirlin, Deputy Manager
The Philadelphia Parking Authority
Taxicab & Limousine Division
2415 South Swanson Street
Philadelphia, PA 19148-5230

**Re: Philadelphia Parking Authority vs. Germantown Cab Company
Filing of Order - Docket No. 08-03-31**


Dear Ms. Kirlin:

Enclosed, please find a copy of the Order and Opinion of Hearing Officer, Hon. Alfred Marroletti, in the above referenced matter. The Order and Opinion were filed with the Taxicab & Limousine Division on June 12, 2008. True and correct copies of the Order and Opinion have been forwarded to all parties listed below.

Unless selected for review by the Authority's Board, the attached Order shall be considered issued and final fifteen (15) calendar days from the date of this letter. *See* 53 Pa.C.S. §5705.

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

Sincerely,
The Philadelphia Parking Authority


Caroline Tenuto
Secretary, Hearing Division

Enclosure

cc: Megan M. Poley, Esquire - TLD Trial Counsel
Alfred W. Taubenberger, Chairman - T&L Committee
Germantown Cab Company

THE PHILADELPHIA PARKING AUTHORITY
Taxicab and Limousine Division

**THE PHILADELPHIA PARKING
AUTHORITY**

Complainant,

Vs.

**GERMANTOWN CAB COMPANY,
Respondent.**

:
:
:
:
:
:

DOCKET NO. 08-03-31

Before
Hon Alfred Marroletti
April 4, 2008

HISTORY OF THE PROCEEDING

On February 8, 2008, Philadelphia Parking Authority (Authority) Taxicab and Limousine Division (TLD) Inspector Gurney Peay, Badge No. 12, issued Citation T-02926, charging Respondent with "Using Non-Certified Driver (PPA)".

An appeal was filed and the matter is before this Hearing Officer.

DISCUSSION

Inspector Peay testified with regard to taxicab G-18, "driver certificate number is not available, first name Vincent, no middle initial, last name Wilson, tag number TX-42-866, owner is Germantown Cab." (N.T. Page 7).

Inspector Peay then identified six photographs he had taken during the stop of G-18. When asked to describe what was depicted in each photograph, the inspector replied, "The first picture Germantown Cab with my vehicle right in the back of it on the car stop. The second picture is the front end of the vehicle at the airport. The third picture is the back of the vehicle where you can see G-18, tag number TX-42866. PPA-4 is the picture of Vincent Wilson's Pennsylvania driver's license which is 23-290-728. PPA-5 is the registration, a picture of the registration, a picture of the registration of the vehicle, with the owner's name Germantown Cab Company. PPA-6 is the insurance identification card picture of this Germantown Cab Company as the owner." (N.T. Page 9).

When asked by the inspector for his PPA driver's certificate, the driver responded, "he told me that you do not need to have one." (N.T. Page 8).

Inspector Peay described that he had checked at TLD Headquarters to determine if this driver had a PPA Driver's Certificate, and learned that he did not. (N.T. Page 9).

He also discovered that this driver had a PPA Certificate in August of 2005 when it expired, and it was never renewed after that date. (N.T. Page 10).

The inspector asserted that not being certified was a violation of TLD Regulations, and the reason for issuance of Citation T-02926, "Using Non-Certified Driver (PPA)".

The Respondent was represented by its Corporate President, Jacob Gabbay.

On cross examination by Mr. Gabbay, the inspector informed him that he had done a routine stop on the vehicle because the dome light was on and there was a passenger in the vehicle. Mr. Gabbay lingered on the question of the whether the driver needed a PPA Certificate to "drop off", not to pick up, but to "drop off" in the Philadelphia Airport. (N.T. Page 11). Inspector Peay responded, "This is a fact that you need a PPA certificate period to operate a taxi that is registered in Pennsylvania, Philadelphia."

Mr. Gabbay then asked the inspector, "Do you know the PPA Regulations you don't have to have certificate to be certified to drop off at the airport?" The inspector replied, "...If you are working, and you are operating a cab in the city of Philadelphia that is regulated under the PPA, you must have a Parking Authority, PPA certificate to operate a cab that is registered in Pennsylvania, Philadelphia." (N.T. Page 11).

Mr. Gabbay then tried to pursue a question that would require knowledge of the law under the PUC Regulations and the "county outside of Philadelphia" to which, Counsel for Complainant, Megan Poley, Esquire, objected and her objection was sustained. Respondent then asked the inspector if he knew where the passenger had been picked up in Philadelphia or outside of Philadelphia and the inspector responded in the negative. Respondent then, forcefully, stated "Your Honor, PUC Regulation does not have to be dropped off at the Philadelphia Airport does not have to be a certified driver." (N.T. Page 12). That last statement of Respondent is accepted as legal argument, and, at that point, testimony in this matter was concluded.

Special attention and time was devoted to this matter in view of Respondent's unusual display of confidence throughout the hearing, and his closing remark about the probability of further litigation, it is important to dispose of a few controlling principles of law relevant to this matter.

First, we have the testimony of Inspector Peay, which establishes beyond doubt, that Respondent's driver was non-certified by the PPA, in violation of the Authority's Regulations.

Inspector Peay's testimony was straightforward, clear, unambiguous, and is accepted as credible in everyway.

The Respondent has raised the issue of whether a driver has to have a certificate... "to drop off at the airport."

So that there may be no misunderstanding, there has been no evidence admitted or offered by Respondent that would bring to consideration by this Court the law of any other County but Philadelphia, or any PUC Regulations.

Accordingly, this case will be decided on the law applicable to the facts of this matter, That law is The Philadelphia Parking Authority Regulations, which set forth as their Purpose and Scope "The Philadelphia Parking Authority shall act as an independent administrative agency for the regulation of taxicab and limousine service in Philadelphia..." and, "these regulations are the complete set of Regulations applicable to taxicab and limousine service provided within Philadelphia and replaces any previous applicable regulations of the Pennsylvania Public Utility Commission." (Section 1 (a) (c) of the Regulations).

The intention of the legislators is repeated throughout the Regulations and only a few examples will suffice: Section 2 (a) (Act 94) "A statute of the Commonwealth of Pennsylvania... shifts the regulatory authority for taxicabs and limousines in Philadelphia from the Pennsylvania Public Utility Commission to the Philadelphia Parking Authority."

With respect to the specific issue in this case, Section 4 (a) (ii) "provides the vehicle must be operated by a driver who is certified by the PPA."

Section 4 (d) mentions some rights retained by taxicabs and limousines certified by the Pennsylvania PUC but no where in this record does there appear any attempt on the part of the

Respondent to establish that it may have a right to "drop off" a passenger at the airport and no evidence of what circumstances may permit that right to Respondent has been offered.

HEARD NO OFFER

Section 5 § 4 (iv) provides that Industry members "Only use certified drivers."

RULES IN PPA

PROVE THAT

The Respondent has offered no substantive evidence of law or fact that would give Respondent the right to ignore, or consider itself to be exempt from the law as above cited.

HEARD NO OFFER

CANNOT DROP OFF

TIME AIRPORT

Accordingly, it is clear that the Authority has met its burden of proof by a preponderance of the evidence that the Respondent is liable as charged in Citation T-02926, "Using Non-Certified Driver (PPA)".

FINDINGS OF FACT

1. The Complainant in this proceeding is the Taxicab and Limousine Division of the Philadelphia Parking Authority.
2. The Respondent is Germantown Cab Company.
3. The Respondent in this proceeding is represented by its Corporate President, Jacob Gabbay
4. The Authority met its burden of proof by a preponderance of the evidence that the Respondent is liable as charged in Citation T-02926, "Using Non-Certified Driver (PPA)".

CONCLUSIONS OF LAW

1. The Authority has jurisdiction over the subject matter and parties in this case.
2. The Authority met its burden of proof by a preponderance of the evidence that the Respondent is liable as charged in Citation T-02926, "Using Non-Certified Driver (PPA)".
3. It is just, reasonable and in the public interest to impose a penalty of \$900.00 in this matter.

1

THE PHILADELPHIA PARKING AUTHORITY
TAXICAB AND LIMOUSINE DIVISION

THE PHILADELPHIA PARKING
AUTHORITY

Complainant, :
- vs - : DOCKET NO. 09-09 07
GERMANTOWN CAB CO., :
Respondent :

APPEALS HEARING
TUESDAY, SEPTEMBER 1, 2009

Hearing held before the HONORABLE JOSEPH C. BRUNO,
of the Office of The Philadelphia Parking Authority,
Taxicab and Limousine Division, 2415 South Swanson
Street, Philadelphia, Pennsylvania, commencing at
1:30 p.m., on the above date, before Gina Pollecchia,
Professional Reporter and Notary Public in and for the
Commonwealth of Pennsylvania.

THE PHILADELPHIA PARKING AUTHORITY
LEGAL DEPARTMENT
3101 Market Street, Second Floor
Philadelphia, Pennsylvania 19104
(215) 683-9600

THE PHILADELPHIA PARKING AUTHORITY
LEGAL DEPARTMENT (215) 683-9600

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LEGAL DEPARTMENT (215) 683-9600

2

APPEARANCES:

THE PHILADELPHIA PARKING AUTHORITY
TAXICAB AND LIMOUSINE DIVISION
BY: MEGAN POLEY, ESQUIRE
2415 Swanson Street
Philadelphia, PA 19148
(215) 683-9484

For the Complainant

LAW OFFICES OF MICHAEL HENRY
BY: MICHAEL HENRY, ESQUIRE
2336 South Broad Street
Philadelphia, PA 19145
(215) 218-9800

For the Respondent

THE PHILADELPHIA PARKING AUTHORITY
LEGAL DEPARTMENT (215) 683-9600

4

1 THE CLERK: The next docket is
2 09-09-09, Germantown Cab. They posted \$100 for
3 a vehicle release plus \$100 hearing collateral
4 for a total of \$200.
5 MS. POLEY: Your Honor, this matter
6 is listed on Citation T-07752, an owner citation
7 for using non-certified PPA driver. Your Honor,
8 I would request -- and I've already spoken to
9 counsel for the respondent. I would move to
10 The Court to be able to rescind charge and issue
11 a new charge, Your Honor, and that new charge
12 would be of using driver with expired PPA driver
13 certificate. Counsel has -- I've already spoken
14 to Mr. Henry, and he's agreed to that.
15 THE COURT: Do you agree to that?
16 MR. HENRY: I do.
17 MS. POLEY: So the charge is now
18 using driver with expired PPA driver
19 certificate, Your Honor.
20 THE COURT: Does that change the --
21 MS. POLEY: The fines are different,
22 Your Honor. If there is liability, the fines
23 are different.
24 THE COURT: Well, what's the fine if

THE PHILADELPHIA PARKING AUTHORITY
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<p>1 there's liability?</p> <p>2 MS. POLEY: If there is liability,</p> <p>3 the fine for a first offense on the new charge</p> <p>4 would be \$500.</p> <p>THE COURT: Thank you. Go ahead.</p> <p>6 MS. POLEY: I call Inspector Rotan.</p> <p>7 - - - -</p> <p>8 (Whereupon the witness was sworn by The Court.)</p> <p>9 - - - -</p> <p>10 THE COURT: Your full name and</p> <p>11 position?</p> <p>12 THE WITNESS: David Rotan, Inspector,</p> <p>13 Philadelphia Parking Authority, Taxicab and</p> <p>14 Limousine Division, badge 18.</p> <p>15 DAVID ROTAN, after having been first</p> <p>16 duly sworn, was examined and testified as</p> <p>17 follows:</p> <p>18 - - - -</p> <p>19 DIRECT EXAMINATION</p> <p>20 - - - -</p> <p>21 BY MS. POLEY:</p> <p>22 Q. Inspector Rotan, Id' like to call your</p> <p>23 attention to Citation T-007752 which you issued to the</p> <p>24 respondent in this matter for now using driver with</p> <p>THE PHILADELPHIA PARKING AUTHORITY LEGAL DEPARTMENT (215) 683-9600</p>	<p>7</p> <p>1 driver inform you that he had no certificate?</p> <p>2 A. He told me he didn't need a certificate.</p> <p>3 Q. Now, you stated that the driver certificate</p> <p>4 expired in December of 2008?</p> <p>5 A. Yes.</p> <p>6 Q. Can you please explain to The Court why you</p> <p>7 believe this vehicle needed a driver certificate?</p> <p>8 A. Well, from what I understand, the driver was</p> <p>9 doing runs for Germantown taking patients to and from</p> <p>10 different hospitals and doctor needs.</p> <p>11 Q. Did the driver provide you with any sort of</p> <p>12 trip sheet?</p> <p>13 A. He did.</p> <p>14 Q. And did that trip sheet represent</p> <p>15 point-to-point service in Philadelphia outside of --</p> <p>16 A. Yes, it did.</p> <p>17 MS. POLEY: Your Honor, I'd like to</p> <p>18 mark PPA-1.</p> <p>19 THE COURT: Mark it and show it to</p> <p>20 counsel.</p> <p>21 - - - -</p> <p>22 (Whereupon the exhibit was marked,</p> <p>23 for identification purposes, as PPA-1 and shown</p> <p>24 to counsel.)</p> <p>THE PHILADELPHIA PARKING AUTHORITY LEGAL DEPARTMENT (215) 683-9600</p>
<p>6</p> <p>1 expired PPA driver certificate. Do you recall the</p> <p>2 issuance of this citation?</p> <p>3 A. I do.</p> <p>4 Q. Please state the tag number, the name of the</p> <p>5 driver and the registered owner of the vehicle.</p> <p>6 A. G-101 had a driver by the name of William</p> <p>7 Thomas, the plate was Pennsylvania TX-46691, dispatch</p> <p>8 was Germantown, and the owner was Germantown of 800</p> <p>9 Chestnut Street.</p> <p>10 Q. The violation of using driver with expired PPA</p> <p>11 driver certificate, please describe to The Court what</p> <p>12 led you to issue this citation.</p> <p>13 A. Your Honor, on May 28, 2009, approximately</p> <p>14 3:24 p.m. I stopped G-101 at 1300 Porter Street. Upon</p> <p>15 my inspection of the vehicle, I found that he had no</p> <p>16 certificate with him, no driver certificate. Then</p> <p>17 upon furtherer investigation, I found out that his PPA</p> <p>18 certificate expired on December of '08.</p> <p>19 Q. Now, when you say you found out that his</p> <p>20 certificate expired, did you find that out after the</p> <p>21 issuance of this citation?</p> <p>A. Yes, I did.</p> <p>23 Q. Now when you say that at the time of the</p> <p>24 inspection the driver had no certificate, did the</p> <p>THE PHILADELPHIA PARKING AUTHORITY LEGAL DEPARTMENT (215) 683-9600</p>	<p>8</p> <p>1 - - - -</p> <p>2 BY MS. POLEY:</p> <p>3 Q. I'm showing you what's been marked PPA-1. Are</p> <p>4 you familiar with that document?</p> <p>5 A. This is the driver's manifest that the driver</p> <p>6 gave me, William Thomas gave me, for the runs that he</p> <p>7 was doing throughout, I guess, the week with this cab.</p> <p>8 They're all city --- point-to-point in the city of</p> <p>9 Philadelphia.</p> <p>10 Q. This type of service -- well, back to the</p> <p>11 driver certificate, now, have Germantown Cab drivers</p> <p>12 always needed a PPA certificate?</p> <p>13 A. No, they have not.</p> <p>14 Q. Did you bring a document today outlining the</p> <p>15 process of the Germantown driver certification?</p> <p>16 A. Yes, I did.</p> <p>17 MS. POLEY: Your Honor, I'd like to</p> <p>18 mark PPA-2.</p> <p>19 THE COURT: Mark it and show it to</p> <p>20 counsel.</p> <p>21 - - - -</p> <p>22 (Whereupon the exhibit was marked,</p> <p>23 for identification purposes, as PPA-2 and shown</p> <p>24 to counsel.)</p> <p>THE PHILADELPHIA PARKING AUTHORITY LEGAL DEPARTMENT (215) 683-9600</p>

1 - - - -
2 BY MS. POLEY:
3 Q. I'm showing you what's been marked PPA-2. Are
4 you familiar with that document?

A. Yes. This is the letter to Mr. Meltzer from
6 our director, James Ney, dated April 27, 2009. The
7 reference was, "The certification process beginning
8 April 23, 2009."

9 Q. Go on, inspector.

10 A. "Dear Mr. Meltzer, this pertains to Judge
11 Bruno's Order dated April 23, 2009, dismissing the
12 waiver hearing concerning WP080602. As you are aware,
13 there is no longer a stay that will allow Germantown
14 Cab Company, "Germantown", to use non-certificated
15 drivers. Within two weeks after the list of the
16 drivers is due, all drivers must present themselves at
17 the TLD service window to begin the registration
18 process. This must be done by the close of business
19 on May 18, 2009."

20 Q. What is your understanding of that requirement
21 by May 18, 2009?

22 A. By May 18th all Germantown drivers had to be
23 certificated by The Parking Authority and have
24 driver's certificates in order to drive a Germantown

THE PHILADELPHIA PARKING AUTHORITY
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1 taxicab.

2 Q. Now, would they have issued a temporary
3 certificate if there were issues regarding the
4 application process?

5 A. Yes, there was. The temporary would have been
6 done for a couple different reasons; criminal
7 background check and things like that.

8 Q. Now, this driver, since he already had a PPA
9 driver certificate and it was just expired, would he
10 have been able to renew right away?

11 A. Immediately.

12 Q. Are you aware if he has renewed as of this
13 date?

14 A. He did renew the very next day on May 28,
15 2009.

16 Q. You said the next day?

17 A. I'm sorry. The same day. He came in and
18 renewed on May 28th.

19 Q. So did he renew after this violation?

20 A. Yes.

21 Q. Now, did you take a photo of the vehicle
during your inspection?

22 A. Yes.

23 MS. POLEY: Your Honor, I'd like to
24 THE PHILADELPHIA PARKING AUTHORITY
LEGAL DEPARTMENT (215) 683-9600

1 mark PPA-3.

2 THE COURT: Mark it and show it to
3 counsel.

4 - - - -
5 (Whereupon the exhibit was marked,
6 for identification purposes, as PPA-3 and shown
7 to counsel.)
8 - - - -

9 BY MS. POLEY:

10 Q. I'm showing you what's been marked PPA-3. Are
11 you familiar with that document?

12 A. Yes. This is the rear of the vehicle, G-101,
13 and the plate was Pennsylvania TX-44691.

14 Q. Now, going back to the citation for using
15 driver with expired PPA driver certificate, in order
16 to do point-to-point service as you previously
17 testified to --

18 MR. HENRY: Objection, irrelevant.

19 THE COURT: Wait a minute. I didn't
20 hear the question.

21 BY MS. POLEY:

22 Q. Inspector, as you previously testified, the
23 point-to-point service in Philadelphia, this type of
24 service, does that require Germantown as of May 18th

THE PHILADELPHIA PARKING AUTHORITY
LEGAL DEPARTMENT (215) 683-9600

1 to have a certified driver or a temporary certified
2 driver?

3 A. Yes.

4 Q. And because he was expired, is that why you
5 issued the citation?

6 A. Yes.

7 MS. POLEY: No further questions,
8 Your Honor.

9 - - - -
10 CROSS EXAMINATION
11 - - - -

12 BY MR. HENRY:

13 Q. Germantown is allowed to travel point-to-point
14 within the city of Philadelphia --

15 A. No, they're not.

16 Q. Under what authority?

17 A. They're not.

18 Q. Under their call or demand authority?

19 A. Yes. They cannot do point-to-point, counsel,
20 with -- this was basically Bennett Cab's operation
21 as -- I guess omnibus tags -- but unfortunately, they
22 were doing work for Germantown in this vehicle.

23 Q. May I see the exhibit?

24 A. Yes, you may.

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<p style="text-align: right;">13</p> <p>1 Q. You said it was Bennett Cab. What do you mean</p> <p>2 by that?</p> <p>3 A. Well, that's the -- what it had on here. When</p> <p>4 I took the driver's manifest, which he was following,</p> <p>5 it has on here Bennett Cab.</p> <p>6 Q. Was that call or demand service?</p> <p>7 A. I do believe this was all hospital patients.</p> <p>8 Q. So that's paratransit?</p> <p>9 A. Sir, I don't know. Most of it is all crossed</p> <p>10 out as you can see. I'm only going on what the driver</p> <p>11 told me he was doing.</p> <p>12 Q. And the driver told you that he was doing</p> <p>13 paratransit service?</p> <p>14 A. No. He said he was taking clients to and from</p> <p>15 the doctor's office.</p> <p>16 Q. Do you know what paratransit service is?</p> <p>17 A. Sure.</p> <p>18 Q. What is it?</p> <p>19 A. Paratransit is picking up people who are</p> <p>20 handicapped taking them from Point A to Point B.</p> <p>21 Q. And that's what he told you he was doing?</p> <p>22 A. No. He told me he was picking up people and</p> <p>23 taking them to the doctors. The woman who had -- you</p> <p>24 know, she was very capable of walking and talking.</p> <p style="text-align: center;">THE PHILADELPHIA PARKING AUTHORITY LEGAL DEPARTMENT (215) 683-9600</p>	<p style="text-align: right;">15</p> <p>1 said, "I am taking this woman to the doctor's." Then</p> <p>2 when I asked him to see his trip sheet, this is what</p> <p>3 he gave me. On here --</p> <p>4 Q. Taking a patient to see a doctor --</p> <p>5 THE COURT: Wait a minute.</p> <p>6 THE WITNESS: On here it says -- it</p> <p>7 does not say paratransit. I see nowhere on here</p> <p>8 that it says that. I see that it says pick up</p> <p>9 at someone's home and take them to the doctor's</p> <p>10 office. That's what it says.</p> <p>11 BY MR. TEMPLE:</p> <p>12 Q. In the upper right-hand corner of that, what</p> <p>13 does it say?</p> <p>14 A. "Elder Health, Incorporated."</p> <p>15 Q. Did you investigate to determine whether</p> <p>16 Germantown was providing service under its call or</p> <p>17 demand authority or under its paratransit authority?</p> <p>18 A. No, I did not.</p> <p>19 Q. Did you think it was important to determine</p> <p>20 whether Germantown was providing service within the</p> <p>21 scope of your enforcement authority or outside the</p> <p>22 scope of your enforcement authority?</p> <p>23 A. Well, sir, when I stopped the driver, I asked</p> <p>24 him what he was doing, and he said he was taking this</p> <p style="text-align: center;">THE PHILADELPHIA PARKING AUTHORITY LEGAL DEPARTMENT (215) 683-9600</p>
<p style="text-align: right;">14</p> <p>1 She got out of the cab. I let her go to the doctor's</p> <p>2 office, and then I spoke to the gentleman.</p> <p>3 Q. So was it your understanding that he was not</p> <p>4 doing paratransit work at the time that you stopped</p> <p>5 him?</p> <p>6 A. Sir, I don't know what he was doing. But what</p> <p>7 he was doing was operating a Germantown taxi with TX</p> <p>8 plates with no driver certificate. That's what I know</p> <p>9 he was doing.</p> <p>10 Q. But your responsibility it to regulate call or</p> <p>11 demand or limousine service, correct?</p> <p>12 A. Correct.</p> <p>13 Q. You don't regulate paratransit service, do</p> <p>14 you?</p> <p>15 A. No, I do not.</p> <p>16 Q. Germantown is not required to have a PPA</p> <p>17 certificate of any driver when they're conducting</p> <p>18 paratransit service; is that correct?</p> <p>19 A. I believe that would be correct.</p> <p>20 Q. So when you say you don't know what type of</p> <p>21 service he was providing, isn't that essentially part</p> <p>22 of your job?</p> <p>23 A. Sir, if he told me it was paratransit service,</p> <p>24 I would let it go. He did not say paratransit. He</p> <p style="text-align: center;">THE PHILADELPHIA PARKING AUTHORITY LEGAL DEPARTMENT (215) 683-9600</p>	<p style="text-align: right;">16</p> <p>1 woman to the doctor's office which was on Porter</p> <p>2 Street. I said, "Let me just check your car." When I</p> <p>3 asked for his certificate, he had none. He was</p> <p>4 operating a Germantown vehicle.</p> <p>5 Q. Right. And my question is: Did you think it</p> <p>6 was important to determine whether the service that</p> <p>7 Germantown was providing was within the scope of your</p> <p>8 enforcement authority or outside the scope of your</p> <p>9 enforcement authority?</p> <p>10 A. At time I stopped the man, I thought and I</p> <p>11 believed it was in the scope of my enforcement.</p> <p>12 Because when he told me, sir -- if he told me -- first</p> <p>13 of all, if he told me what he was doing -- I don't</p> <p>14 believe he should have been operating a Germantown</p> <p>15 taxicab. It should be a paratransit vehicle if he's</p> <p>16 operating on call and demand from Elderly Health</p> <p>17 Service.</p> <p>18 Q. You're apparently not aware that taxicabs also</p> <p>19 provide paratransit authority; is that correct?</p> <p>20 You're not aware of that?</p> <p>21 A. I don't know if they -- no, I'm not aware.</p> <p>22 Because I don't know if they're equipped for</p> <p>23 wheelchair access or anything.</p> <p>24 MS. POLEY: Objection, Your Honor.</p> <p style="text-align: center;">THE PHILADELPHIA PARKING AUTHORITY LEGAL DEPARTMENT (215) 683-9600</p>

1 THE COURT: Overruled.
 2 BY MR. HENRY:
 3 Q. So you did no further investigation to
 4 determine whether, in fact, this particular vehicle
 5 was providing paratransit service or call or demand
 6 service?
 7 THE COURT: He said he did not. Go
 8 ahead. Next question.
 9 BY MR. HENRY:
 10 Q. The registration number, P number -- actually
 11 G number -- on this cab is what?
 12 A. G-101.
 13 Q. How many vehicles are registered with the PPA
 14 as far as Germantown?
 15 A. I do believe 100.
 16 Q. And they're listed from 0 to 100?
 17 A. I don't know. I know from our -- from my
 18 being an inspector I do believe there are 100. What
 19 the numbers are, I couldn't tell you.
 20 Q. And those 100 are ones that Germantown has
 21 reported to the Authority that they operate in a call
 22 or demand service?
 23 A. That's correct.
 24 Q. So they're other vehicles beyond those?

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1 A. I believe they do.
 2 Q. Do they have other authority other than their
 3 PPA authority?
 4 A. Yes.
 5 Q. Do they use those vehicles for their other
 6 authority, their PUC or paratransit?
 7 A. I believe they do.
 8 Q. And you did not conduct any investigation to
 9 determine whether this was one of the vehicles that
 10 they had reported to PPA as providing call or demand
 11 service?
 12 A. No, sir. When I saw the man, he was driving a
 13 Germantown taxicab, colors and markings compliant
 14 (sic) with Germantown. He was doing service in the
 15 city of Philadelphia. I just stopped the man, and he
 16 told me -- he did not say paratransit. He told me he
 17 was taking a woman to the doctor's. That is his exact
 18 words. When I asked him, "Do you have your
 19 certificate?", he said, "I don't need one." I said,
 20 "You do. Do you know about the new regulation?" He
 21 said, "That's news to me. I don't need one." Then I
 22 said, "You do."
 23 Q. Did you call Joey Gabbay and ask why he said
 24 that?

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1 A. I don't call owners, sir.
 2 Q. Now, every time I've been to a PPA hearing
 3 there's been a photograph of a windshield for the PPA
 4 sticker. Where is that photograph?
 5 A. It's not here, sir.
 6 Q. Is the reason it's not here because there are
 7 no PPA stickers on this vehicle?
 8 A. I don't recall if there was or wasn't. It was
 9 my mistake not to take a picture of the windshield. I
 10 did not -- I don't believe -- if it's not here, I did
 11 not take a picture.
 12 Q. There wasn't a PPA sticker on this particular
 13 vehicle?
 14 A. I don't recall.
 15 Q. Do your notes reflect that?
 16 A. I don't recall.
 17 Q. My question is do your notes reflect that?
 18 A. No, my notes do not reflect that at all.
 19 Q. May I see them?
 20 A. Sure.
 21 Q. Did you prepare an inspection report?
 22 A. On the inspection report -- no, I don't
 23 believe so, sir. I do believe that there is a tow
 24 report.

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1 Q. Do you have a copy of the tow report?
 2 A. When it's being towed, it's --
 3 Q. Do you have a copy of your tow report?
 4 A. I don't have one here, sir.
 5 Q. May I see a copy of the tow report?
 6 MS. POLEY: Your Honor, I'm going to
 7 object.
 8 THE COURT: To what?
 9 MS. POLEY: He's asking him to see a
 10 copy of the tow report. He's stated that he
 11 does not have it up there.
 12 THE COURT: He said he doesn't have
 13 it.
 14 BY MR. HENRY:
 15 Q. Do you have your file here with you?
 16 A. I believe counsel has it. I guess.
 17 MR. HENRY: Can counsel show that to
 18 the officer so that he can look through it?
 19 THE COURT: Is it in the file?
 20 THE WITNESS: Sir, I don't know. I
 21 didn't see the -- I don't know. I'm going to say
 22 it is in the file. I don't know.
 23 THE COURT: All right. What is it
 24 you want to see out of that file?

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<p>21</p> <p>1 MR. HENRY: The tow report or any</p> <p>2 other documents relating to this stop.</p> <p>3 THE COURT: No. Go ahead. Next</p> <p>4 question.</p> <p>5 MR. HENRY: We can't see it?</p> <p>6 THE COURT: No. You didn't ask for</p> <p>7 one thing. You said anything other related to</p> <p>8 it. Do you want to see the whole file?</p> <p>9 MR. HENRY: I do want to see the</p> <p>10 file, Your Honor.</p> <p>11 THE COURT: Give him the file.</p> <p>12 MS. POLEY: Your Honor, I have some</p> <p>13 of my own notes in this file. I would have to</p> <p>14 go through that first. I would need a few</p> <p>15 minutes to --</p> <p>16 THE COURT: Look at it with him and</p> <p>17 take out your things that you don't want him</p> <p>18 to --</p> <p>19 Let the record show the file has been</p> <p>20 handed to counsel for the respondent.</p> <p>21 BY MR. HENRY:</p> <p>22 Q. Officer, are all Germantown vehicles required</p> <p>23 to have a PPA sticker in the windshield?</p> <p>24 A. Ones that report to us, yes, sir, I do</p> <p>THE PHILADELPHIA PARKING AUTHORITY LEGAL DEPARTMENT (215) 683-9600</p>	<p>23</p> <p>1 Q. Just for the record, just to make sure that I</p> <p>2 understood your previous answer, you never spoke to</p> <p>3 Mr. Gabbay concerning what type of service this</p> <p>4 vehicle was providing; is that correct?</p> <p>5 A. That's correct.</p> <p>6 MR. HENRY: I have no further</p> <p>7 questions.</p> <p>8 THE COURT: Thank you, sir.</p> <p>9 - - - -</p> <p>10 (Whereupon the witness was excused.)</p> <p>11 - - - -</p> <p>12 MS. POLEY: Your Honor, I have</p> <p>13 nothing further. I'd just move for the</p> <p>14 admission of the exhibits.</p> <p>15 THE COURT: They're admitted.</p> <p>16 Counsel?</p> <p>17 MR. HENRY: I would call Mr. Gabbay.</p> <p>18 - - - -</p> <p>19 (Whereupon the witness was sworn by The Court.)</p> <p>20 - - - -</p> <p>21 THE COURT: Your full name, sir?</p> <p>22 THE WITNESS: My full name is Joseph</p> <p>23 Gabbay. My business address is 800 Chestnut</p> <p>24 Street, Philadelphia, Pennsylvania 19107.</p> <p>THE PHILADELPHIA PARKING AUTHORITY LEGAL DEPARTMENT (215) 683-9600</p>
<p>22</p> <p>1 believe.</p> <p>2 Q. Some don't.</p> <p>3 A. Those who operate up in the county, I don't</p> <p>4 believe they're registered with us.</p> <p>5 Q. All right. The ones that don't have stickers,</p> <p>6 they cannot provide call or demand service in the city</p> <p>7 of Philadelphia; is that correct?</p> <p>8 A. Correct.</p> <p>9 THE COURT: They cannot what?</p> <p>10 MR. HENRY: Provide call or demand</p> <p>11 service in Philadelphia.</p> <p>12 BY MR. HENRY:</p> <p>13 Q. Is that correct?</p> <p>14 A. Correct.</p> <p>15 Q. Unless it's part of their call or demand</p> <p>16 service where they're picking up or dropping somebody</p> <p>17 off?</p> <p>18 A. Correct.</p> <p>19 Q. But they also have other services that they</p> <p>20 provide that also do not need PPA stickers; is that</p> <p>21 correct?</p> <p>A. Correct.</p> <p>Q. And that would include paratransit?</p> <p>24 A. It would.</p> <p>THE PHILADELPHIA PARKING AUTHORITY LEGAL DEPARTMENT (215) 683-9600</p>	<p>24</p> <p>1 THE COURT: Thank you.</p> <p>2 JOSEPH GABBAY, after having been</p> <p>3 first duly sworn, was examined and testified as</p> <p>4 follows:</p> <p>5 - - - -</p> <p>6 DIRECT EXAMINATION</p> <p>7 - - - -</p> <p>8 BY MR. HENRY:</p> <p>9 Q. Mr. Gabbay, you're the manager of Germantown</p> <p>10 Cab and you're responsible for its day-to-day</p> <p>11 operations, and your business address is at 800</p> <p>12 Chestnut Street?</p> <p>13 A. Yes, sir.</p> <p>14 Q. Are you familiar with the violation that's the</p> <p>15 subject of this proceeding?</p> <p>16 A. Very familiar.</p> <p>17 Q. What G number did it involve?</p> <p>18 A. It involved cab number G-101.</p> <p>19 Q. What type of service was it providing at the</p> <p>20 time it was stopped?</p> <p>21 A. I believe the term is paratransit or</p> <p>22 non-ambulatory.</p> <p>23 Q. Germantown currently has paratransit</p> <p>24 authority; is that correct?</p> <p>THE PHILADELPHIA PARKING AUTHORITY LEGAL DEPARTMENT (215) 683-9600</p>

1 A. Yes, it does.

2 Q. And in the past it has provided paratransit
3 service under --

4 A. Under contract.

5 Q. -- contract with other carriers that do
6 have --

7 A. Yes.

8 Q. On the date of this incident, 5/28/2009, was
9 Germantown providing paratransit service under a
10 contract?

11 A. Yes.

12 Q. And who was that contract with?

13 A. I believe the company is called Elder Health
14 Corp. We have more than one contract.

15 Q. Can you explain for His Honor what paratransit
16 service is?

17 A. Well, I believe the type of people that go for
18 this are people that go for dialysis, people that need
19 blood transfers. They have a range of people that
20 need this service to get to the doctor's office.
21 Necessity, basically. That's my basic understanding
22 of it.

23 Q. What is your understanding as to whether the
24 PPA has any authority to regulate paratransit service?

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1 A. What I understand is that the rights -- even
2 today if you want to request rights, those rights are
3 granted by the Public Utility Commission. They're
4 regulated by the Public Utility Commission. They hold
5 a different set of standards for vehicles, a different
6 set of drivers. There's a whole set of rules and
7 regulations solely for this type of service.

8 Q. And that covers point-to-point service within
9 the city of Philadelphia?

10 A. Within the city of Philadelphia. It's under
11 the PUC.

12 Q. Do you have special vehicles that are reserved
13 for paratransit service?

14 A. Well, this one particularly was --

15 THE COURT: Wait a minute. He asked
16 you -- you started to shake your head in a
17 negative fashion. Now, I know some people do
18 that and not mean that. What are you --

19 THE WITNESS: The reason -- what I'm
20 trying to say is that all my cars basically are
21 registered to do this work with the PUC. All
the VIN numbers, all the G numbers, everything
is registered -- that's why I nodded my head.

22 It's not specifically. I do have cars that

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1 specifically do this work, but all my cars are
2 registered to do this type of work.

3 THE COURT: Go ahead.

4 BY MR. HENRY:

5 Q. How many vehicles do you have registered with
6 the PPA?

7 A. With the PPA I have G-1 to G-100 currently.

8 Q. And this was G-101?

9 A. This vehicle is not registered with the PPA.

10 Not the tag -- there was no sticker on the car. I do
11 not pay assessment on this vehicle. Nothing about
12 this vehicle is registered with The Philadelphia
13 Parking Authority. It does not do point-to-point call
14 or demand work in the city of Philadelphia. It is
15 not -- that's why the driver did inform the inspector
16 that he did not need a certificate, because he's not
17 registered with the PPA and he was not doing
18 point-to-point call or demand work in the city of
19 Philadelphia.

20 Q. And just to clarify, the manifest introduced
21 into evidence was redacted, but --

22 A. What does "redacted" mean?

23 Q. Well, the names of the individuals that were
24 using the service are crossed out and their addresses

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1 and their phone numbers and things like that.

2 A. Yes.

3 Q. I have an unredacted copy, which we're not
4 going to introduce into evidence for privacy reasons,
5 but I think counsel can take a look at it and I think
6 we can agree that all of those trips involve trips to
7 a doctor's office; is that correct?

8 A. All of them, yes sir.

9 MS. POLEY: Your Honor, I agree each
10 destination that's listed says a doctor office
11 or medical building.

12 BY MR. HENRY:

13 Q. Was there a meter in this vehicle?

14 A. There might have been a meter in the vehicle.
15 It definitely wouldn't have been turned on.

16 Q. How do you bill or how do you collect money
17 for the paratransit trips?

18 A. We bill the company directly.

19 Q. Do you submit these manifests as part of the
20 billing process?

21 A. Yes. Also to notify who the driver of each
22 vehicle was so we can trace it back and things of that
23 nature, and we can keep records as well.

24 Q. If there's a no-show or failure to pick-up?

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1 **A. It's all noted, the whole nine yards.**

2 **Q. And you're assessed for that?**

3 **A. Of course.**

4 **Q. So G-101 on May 28, 2009, was that dedicated to the paratransit service?**

6 **A. Yes.**

7 **Q. And is that why it did not have a PPA sticker on it?**

9 **A. Yes, sir.**

10 **Q. Is it your understanding that paratransit drivers are required to register with the -- to get certificates from the PPA?**

13 **A. Paratransit drivers are not required to have a certificate by the PPA. They're under the PUC, and the PUC does not have a certificate program in place for these drivers.**

17 **Q. After you received notice of this violation, did you have any conversations with the PPA regarding what was going on that day?**

20 **A. Actually I got a phone call from my driver while he was being stopped by the PPA. I attempted to speak with Inspector Rotan originally. The driver asked the inspector to speak with me. The inspector -- I don't recall the exact comments, but**

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1 **they were more along the lines of, "Joey already knows what he has to do" because, you know, I've gone through these proceedings a lot to appeal it.**

4 I insisted -- I explained to the driver that what he's doing, what type of service, to make sure you're letting the inspector know. The driver did explain to him that he's new in this type of service, paratransit service, non-ambulatory; that he's not doing point to point.

10 I mean, through the driver's mouth to the inspector -- I was listening on the phone. Eventually I asked the driver again and again to please repeatedly ask the inspector to speak with me. The inspector eventually spoke with my on the telephone. I explained to the inspector the same thing I'm saying here. This is a non-ambulatory trip. This is not point-to-point in the city of Philadelphia. And I was informed that he notified his bosses, and his bosses told him to impound the vehicle

20 **MR. HENRY: No further questions.**

21 - - - -

CROSS EXAMINATION

22 - - - -

24 **BY MS. POLEY:**

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1 **Q. Mr. Gabbay, so you're stating that this vehicle, this type of service, this paratransit service, is not subject to PPA regulation?**

4 **A. Yes, ma'am.**

5 **Q. You agree that it was operating in Germantown Cab G-101?**

7 **A. Yes.**

8 **Q. You stated that you told your driver what to tell Inspector Rotan over the phone?**

10 **A. No. I'm stating that my driver already explained to me that he explained to Inspector Rotan, and after he explained to me and explained to Inspector Rotan -- I clearly gave him the terminology to explain it to him again; that it's a non-ambulatory trip, it's a paratransit trip, and, in fact, this is what the guy is going. And he showed him the manifest, which is the same manifest that I get from the company directly.**

19 **Q. And that manifest does not have the word "Paratransit" on it anywhere, correct?**

21 **A. No.**

22 **Q. And the manifest that was handed up is blacked out in some areas, correct?**

24 **A. Yes. It's blacked out because of privacy**

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1 **issue with this driver and other pieces of information.**

3 **Q. If you're saying that this is a type of service not subject to PPA regulation, do you put anything in or on your vehicles to show this type of service to avoid any problems?**

7 **A. It's registered on my tariff. I don't need to put it -- it's not required to put it -- it's not a part of your rules and regulations to designate these vehicles. As long as it's on my tariff, as long as it's on my bill, as long as I have a contract, I'm not required to do that, ma'am.**

13 **Q. But your manifest did not even mention paratransit, correct?**

15 **A. Yes. This is how the company provides it to me. It does not need to mention it. They do not put it on there. They write their name on there.**

18 **MS. POLEY: No further questions,**
19 **Your Honor.**

20 - - - -

21 **REDIRECT EXAMINATION**

22 - - - -

23 **BY MR. HENRY:**

24 **Q. The manifest doesn't say call or demand on it**

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1 either?

2 A. It does not say call or demand on it either,
3 no.

4 MR. HENRY: I have no further
5 questions.

6 THE COURT: What are you going to do
7 with that manifest?

8 MR. HENRY: Well, I believe the
9 redacted version has already been introduced.
10 It does contain information concerning the
11 paratransit --

12 THE COURT: Why aren't you
13 introducing the non-redacted?

14 MR. HENRY: I can do that, Your
15 Honor.

16 - - - -
17 (Whereupon the exhibit was marked,
18 for identification purposes, as R-1.)

19 - - - -
20 MR. HENRY: I have nothing further,
21 Your Honor.

22 THE COURT: It's my determination
23 that the problem here was the result of the
24 driver not transmitting to the inspector the

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1 proper terminology for the work he was doing
2 that day. He said to the inspector, according
3 to the inspector's testimony, that he was taking
4 somebody to the doctor's. That does not mean
5 paratransit. But looking at respondent's
6 exhibit, R-1, I'm convinced that that was what
7 was taking place.

8 The inspector was perfectly within
9 his rights to issue the citation as it was
10 issued, because I take taxicabs to doctors all
11 the time, and it's not paratransit. If a cab
12 that took me had an unlicensed driver, the fact
13 that I was being taken to a doctor would not
14 affect his need to have a PPA driver's
15 certificate.

16 But in this case I'm convinced that
17 this was paratransit, and, therefore, I find no
18 liability.

19 MR. HENRY: Thank you, Your Honor.

20 MS. POLEY: Thank you, Your Honor.

21 - - - -
22 (Whereupon the hearing concluded at 2:44 p.m.)
23 - - - -
24

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1 CERTIFICATION

2
3 I hereby certify that the proceedings and
4 evidence are contained fully and accurately in the
5 stenographic notes taken by me upon the foregoing
6 matter on September 1, 2009, and that this is a
7 correct transcript of same. This transcript was
8 transcribed and handed in to The Court on September 3,
9 2009.

10
11
12 GINA PELLECCIA,
Court Reporter-Notary Public

13
14
15
16
17
18
19 (The foregoing certification of this
20 transcript does not apply to any reproduction of the
21 same by any means, unless under the direct control
22 and/or supervision of the certifying shorthand
23 reporter.)
24

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DRIVER/VEHICLE COMPLIANCE REPORT
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Bureau of Transportation & Safety – Motor Carrier Services & Enforcement Division
P. O. Box 3265, Harrisburg, PA 17105-3265

PART A

BP8#	01 DATE 4/26/10	02 START TIME 9:30AM	03 STREET/ROUTE NO. 5300 Belfield Ave	04 BORO, CITY, TWP Phila	05 COUNTY Phila
06 RESPONSIBLE CARRIER NAME Germantown Cab Co					07 PUC NUMBER ON VEHICLE <input type="checkbox"/> None Required/US DOT 110733
08 ADDRESS 800 Chestnut St Phila Pa 19107					09 US DOT NUMBER
10 OPERATOR'S NAME & DOB				11 OLN/STATE	
ANNUAL TERMINAL INSPECTION					
12 ADDRESS				13 CDL OR LIC. CLASS, END.	
14 YR, MAKE/TYPE OF POWER UNIT 2003 Ford Taxi		15 REGISTRATION NO. TX43449	16 STATE Pa	17 V.I.N. 2fap71w43x110594	18 CO. NO. G-79
19 YR, MAKE OF TRAILER/TYPE ST		20 REGISTRATION NO	21 STATE	22 V.I.N.	23 CO. NO
24 YR, MAKE OF TRAILER/TYPE ST		25 REGISTRATION NO	26 STATE	27 V.I.N.	28 CO. NO.
29 NAME MARKINGS ON VEHICLE: <input type="checkbox"/> None Displayed Germantown Cab Co				30 ODOMETER READING 242562	
31 POWER UNIT LEASED <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	32 LEASE ON BOARD <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO <input type="checkbox"/> N/A		33 OBTAINED LEASE <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A		34 ISSUED RECEIPT <input type="checkbox"/> YES <input type="checkbox"/> NO <input checked="" type="checkbox"/> N/A
35 LEASE INFORMATION a. WHO PAYS DRIVER'S WAGES? <u>Carrier</u> b. WHO PAYS SOCIAL SECURITY? <u>Driver</u> c. WHO HAS DIRECT CONTROL OF THE TRANSPORTATION? <u>Driver</u> d. WHO PAYS OPERATING COST OF VEHICLE? <u>Carrier</u>					
36 SHIPPING DOCUMENT NO. Annual inspection	37 WHOSE DOCUMENT? Carrier		38 DATE 4/26/10		39 CHARACTER OF SHIPMENT Passenger
40 SHIPPER'S NAME AND ADDRESS					
41 ORIGIN OF TRIP (CITY, TWP, CO)		42 INTENDED USE Taxi			43 WEIGHT
44 CONSIGNEE'S NAME & ADDRESS					
45 DESTINATION OF TRIP (CITY, TWP, CO)		46 COMPENSATION		47 CARRIER CURRENT REGISTERED UCR <input type="checkbox"/> YES <input type="checkbox"/> NO	
48 TAXIMETER CHECK <input checked="" type="checkbox"/> PASS <input type="checkbox"/> FAIL <input type="checkbox"/> N/A		49 METER TYPE		50 SERIAL NO 101238	51 SEAL NO. Lead
52 SAFETY PERFORMED? <input checked="" type="checkbox"/> PUC <input type="checkbox"/> MCSAP		53 PART B VIOLATIONS (IF PUC CHECKED IN 52) <input checked="" type="checkbox"/> NO VIOLATIONS <input type="checkbox"/> VIOLATIONS SHOWN ON PART B			54 LEVEL (IF MCSAP CHECK IN 52) <input type="checkbox"/> 1 <input type="checkbox"/> 2 <input type="checkbox"/> 3 <input type="checkbox"/> 4 <input type="checkbox"/> 5
55 NAME AND BADGE NO. OF OFFICER PREPARING REPORT RALPH A. KANE BADGE 44		56 MCSAP RPT #		57 TIME ENDED 10:00AM	58 COPY RECEIVED BY

PUC LIVE STOP
IN PHILADELPHIA

G-10

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF TRANSPORTATION
AND SAFETY

V.

DOCKET NO: C-2010-2113563

GERMANTOWN CAB COMPANY
800 CHESTNUT STREET
PHILADELPHIA PA 19107
A-00110733

COPY

COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Transportation and Safety and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Transportation and Safety Prosecutory Staff hereby represents as follows:

1. That Germantown Cab Company, respondent, maintains its principal place of business at 800 Chestnut Street, Philadelphia, PA 19107.

2. That respondent was issued a certificate of public convenience by this Commission on September 5, 1996, at Application Docket No. A-00110733, for call or demand authority. Respondent also holds paratransit authority granted by this Commission on September 18, 2009.

3. That respondent, on May 4, 2009, at approximately 1:50 p.m., at Windrim Avenue, Philadelphia, Philadelphia County, Pennsylvania, permitted a certain 2004 Ford taxicab bearing Pennsylvania License No. TXTX44000, Vehicle Identification No. 2FAHP71WX4X161446, to be operated.

4. That the vehicle described in Paragraph 3 of this complaint was inspected by Enforcement Officer Freda Culver, a duly authorized officer of this Commission, on the date and at the time specified in Paragraph 3, and the following violation was disclosed:

- a. Consumer info decals missing.
- b. PUC numbers missing on vehicle.

5. That respondent, by failing to have the proper name or registered insignia and the proper number of the certificate of public convenience identification markings on each side of the vehicle, violated 52 Pa. Code §29.71(a) and 66 Pa. C.S. §501(c). The penalty is \$50.00.

6. That respondent, by failing to display its complaint decal, while the vehicle was in operation, violated 52 Pa. Code §29.316(b) or (c). The penalty is \$50.00.

WHEREFORE, the Bureau of Transportation and Safety Prosecutory Staff hereby requests that the Commission fine Germantown Cab Company the sum of one hundred dollars (\$100.00) for the illegal activity described in this complaint and order such other remedy as the Commission may deem to be appropriate.

Respectfully submitted,

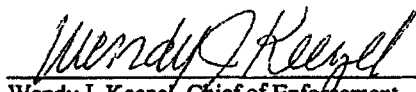


Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services & Enforcement Division
Bureau of Transportation and Safety
P.O. Box 3265
Harrisburg, PA 17105-3265

VERIFICATION

I, Wendy J. Keezel, Chief of Enforcement for the Motor Carrier Services and Enforcement Division of the Bureau of Transportation and Safety, 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 the Bureau 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: 1-28-10



Wendy J. Keezel, Chief of Enforcement
Motor Carrier Services and Enforcement Division
Bureau of Transportation and Safety

NOTICE

A. You must file an answer 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 and must include the reference number of this complaint. Your answer must be verified and the original and three (3) copies sent to:

James J. McNulty, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

B. If you fail to answer this complaint within twenty (20) days, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

C. You may elect not to contest this complaint by paying the fine proposed in this complaint by certified check or money order. Payment must be made to the Pennsylvania Public Utility Commission, and forwarded to James J. McNulty, Secretary, P.O. Box 3265, Harrisburg, PA 17105-3265. Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of your payment, the complaint proceeding shall be closed.

D. If you file an Answer which admits or fails to deny the allegations of the Complaint, the Bureau of Transportation and Safety will request that the Commission issue a Secretarial Letter imposing a penalty.

E. If you file an answer which contests the complaint, the matter will be assigned to an administrative law judge for hearing and decision.

F. Alternative formats of this material are available, for persons with disabilities, by contacting the Compliance Office at (717) 787-1227.

\$100 OK

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SECRETARY'S BUREAU

The New York Times
nytimes.com

WIN WIN
MARCH 18

August 9, 2005

Taxi Partitions, Born of Danger, May Be Set for a Makeover

By SEWELL CHAN

It emerged in the 1960's as an invention born of fear: the taxicab partition, meant to spare the lives of drivers at a time of gunfire, armed robberies and murders. Over its lifetime, it would become yellowed and defaced; its contraption for safely passing money to the driver would often break down. And with the partition closed, the classic cabbie conversation - the one about politics and local lore, current events and competing theories about the best way from, say, Midtown to Kennedy - would become all but impossible.

Now, however, the partition is being rethought, in a New York City where crime is down and passenger demand for legroom and other comforts is ever greater. The Taxi and Limousine Commission has issued a proposal seeking new ways to design and install the partitions, which have been required in most yellow cabs since 1994.

There is talk of new plastics that can withstand scratches and ultraviolet rays, partitions that can accommodate credit-card readers and video monitors, and restoring some of the legroom that partitions took away. The money slot, long viewed as counterproductive because it is so cumbersome, would have a sleeker profile.

"Everything in the taxicab-riding experience has changed except for the partition," said Matthew W. Daus, the commission's chairman. "It's time for the partition to catch up. It's the last frontier - but an important one."

Some cabbies, however, believe the best solution would be to do away with the partitions altogether, a proposal the city agency is not willing to entertain.

The dividers generate strong reactions from drivers and riders alike. Most drivers who work daytime shifts do not bother to close their partitions, leaving the sliding door open to allow for conversation with passengers and easy exchange of money. Riders, in turn, believe the grimy plastic barriers discourage them from giving directions (not a bad thing, from the driver's perspective) and make them feel as though they are in the vestibule of a battle-scarred liquor store.

"They say they feel like they're in a cage," said one driver, Aly Hens, 41, a Haitian immigrant who lives in Crown Heights, Brooklyn. He spent \$729 - more than twice the cost of a partition - to put a security camera inside his new Toyota Sienna minivan.

The commission got proposals last month from 18 companies and plans to choose a new partition design by early next year. Five municipalities - Boston; Atlanta; Miami-Dade County, Fla.; Edmonton, Alberta; and Fairfax County, Va. - have also expressed interest in New York's redesign of its partitions.

The partitions have a long history. In 1960, the Police Department, which long regulated the industry, gave cab owners permission to install clear partitions to deter holdups. In 1967, the city required bullet-resistant partitions in cabs driven at night, and in 1971, all cab owners were required to install the dividers. Later in the 70's, the commission, which was created in 1971, made the partitions voluntary.

The current requirement dates to 1994, after another crime wave, fueled by the crack cocaine epidemic, claimed scores of lives. In 1997 it was expanded to include fleet-owned livery cars. Drivers who operate their own vehicles were exempted at first; now they must use either a partition or a security camera.

But from the start, the partitions have been controversial. Skeptics questioned their deterrent effect, noting that robbers could point a gun through a side window or even the windshield.

Nonetheless, the commission declared the partitions a success: No yellow cab driver has been killed in a robbery since 1997.

"Whatever goes through the brain of somebody intent on physical violence, partitions seem to stop them," said Fidel F. Del Valle, who was the commission's chairman from 1991 to 1995. "The attractiveness of robbing a cab is that it's basically a piggy bank on wheels. You don't want to make the opportunity for crime any easier than it is."

Even so, critics were not convinced, saying that whatever benefit they were to drivers, the partitions were a potential menace to riders, if they were not wearing seat belts in a cab that stopped suddenly.

"Those partitions create a plastic surgeon's dream," said Jack S. Lusk, the commission's chairman from 1988 to 1991.

He also expressed a common complaint about the money slot. "It depersonalizes the relationship between the passenger and the

driver," he said.

Then there are the aesthetic objections. "People get into a cab and still stare at a gritty, scratchy partition that prevents them from seeing the wonderful city around them," Mr. Daus said.

Each partition, which should be able to withstand a blast from a .38-caliber handgun, consists of a plastic shield at least 0.375 of an inch thick and, below it, a steel plate at least .085 of an inch thick. Most of the plastic shields are made of Lexan, a lightweight, shatterproof thermoplastic developed by General Electric. The company has developed a coating that is intended to protect the plastic from scratches and ultraviolet rays for up to 10 years, although few drivers are likely to buy coating unless it is required.

The city's hopes extend well beyond making the partitions less opaque.

It would like the new dividers to carry fare and passenger information not on stickers, but on video monitors that will offer advertising and electronic maps that show the progress of the trip. Already, more than 2,000 cabs have credit-card readers, and those, too, could be incorporated in the partitions.

The proposals met with measured support from drivers interviewed yesterday afternoon in the Central Taxi Hold at Kennedy International Airport. Most said the existing partitions enhanced safety.

Yuriy Semanduyev, 44, who lives in Midwood, Brooklyn, and is from Azerbaijan, credited a partition with saving his life four years ago during an attempted robbery in Long Island City, Queens.

"The guy reached around through the partition and knocked me in the head with a wrench," said Mr. Semanduyev, who pointed to a faint scar on his forehead where he had gotten four stitches. "If I hadn't had the partition, they could have killed me."

Manjit Singh, 27, of Richmond Hill, Queens, a native of India, said he shut his partition each night at 8. "I feel safer when it's closed," he said.

Ryszard Belc, 45, a Polish immigrant who lives in Elmhurst, Queens, said he thought the partitions kept out germs during the flu season.

And Mr. Belc said he had little nostalgia for the lost art of taxicab conversation.

"With cellphones, nobody wants to talk to the driver anymore," he said. "Even on a five-minute trip, they always think of some long-lost aunt they can call."

Janon Fisher contributed reporting for this article.

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THE PHILADELPHIA PARKING AUTHORITY
Taxicab and Limousine Committee

In Re: Petition of Executive Transportation Company
for Waiver from Prohibition of use of
Taxicab Meters in its Limousines
TLD Regulation 13 (l)

Petition No. P060901
Docket No. 07-02-27

ORDER

BY THE PHILADELPHIA PARKING AUTHORITY:

I) BACKGROUND

On April 10, 2005, The Philadelphia Parking Authority ("Authority") through its Taxicab and Limousine Division ("TLD") began to regulate taxicab and limousine service within the City of Philadelphia pursuant to the Act of July 10, 2004, P.L. 758, No. 94, 53 Pa.C.S. §5791 *et seq.* ("Act 94"), which transferred that jurisdiction from the Pennsylvania Public Utilities Commission (the "PUC") to the Authority (the "Transfer").

The Authority's current Taxicab and Limousine Regulations were issued on June 27, 2005 (the "Regulations"). The Regulations define taxicab service differently from limousine service, as does Act 94. The TLD may waive certain requirements of the Regulations through a process reviewable by the Authority's Board. Regulations §1g.

The Regulations prohibit the use of taxicab like meters to calculate rates charged for limousine service. ("Meters"). At the time of the Transfer the few Philadelphia limousine operators that employed meters in their limousines were provided 1 year from the Transfer date to convert their method of rate calculation away from the use of Meters. Regulations §13.l

1. The First Waiver.

On or about March 24, 2005, presumably upon review of the Authority's March 11, 2005 temporary regulation prohibiting the use of meters by limousines in Philadelphia, Executive Transportation Company ("Executive") submitted, through its attorney Kathleen Hetzog Larkin, Esquire, a Request for Waiver from that temporary regulation (the "First Waiver Petition"). That temporary regulation was issued with the intent of making it permanent after public review. Among other things, Executive requested in the First Waiver Petition that it be permitted to continue the use of meters in its fleet of limousines upon several conditions, including:

1. The Authority's current Taxicab and Limousine Regulations were issued on June 27, 2005 (the "Regulations"). The Regulations define taxicab service differently from limousine service, as does Act 94. The TLD may waive certain requirements of the Regulations through a process reviewable by the Authority's Board. Regulations §1g.

2. The Regulations prohibit the use of taxicab like meters to calculate rates charged for limousine service. ("Meters"). At the time of the Transfer the few Philadelphia limousine operators that employed meters in their limousines were provided 1 year from the Transfer date to convert their method of rate calculation away from the use of Meters. Regulations §13.l

4. The Medallion taxicab system was created by the Pennsylvania General Assembly and continued in Act 94. See 53 Pa.C.S. §§5712, 5713, and 5714.

5. In continuing the Medallion system in Philadelphia the General Assembly noted the following:

§ 5712. Medallion system

(a) SYSTEM.-- There is a medallion system within cities of the first class in order to provide holders of certificates of public convenience which authorize citywide call or demand service the opportunity to upgrade and improve the operations of taxicabs. In the case of a corporate certificate holder, a medallion shall be issued in the name of the corporation to its corporate president. The medallion shall be marked with the taxicab number assigned to the corresponding certificate of public convenience. (emphasis added)

6. The General Assembly clearly believes that a continuing and healthy Medallion system is crucial to the overall operation of taxicabs in Philadelphia.

✕ 7. Act 94 also maintained the existence of "partial-rights" taxicabs (taxicabs permitted to service restricted areas of Philadelphia without a Medallion) and contains an entirely separate Chapter dealing with the regulation of limousines. 53 Pa.C.S. §§5714(d)(2) and 5741 *et seq.*

✕ 8. The legislature protected the interests of partial rights taxicabs by preserving their authorization to provide taxicab service in limited areas of Philadelphia.

9. Act 94 contains no legislative directive relating to the continuance and protection of limousines providing Metered service in Philadelphia.

10. Act 94 preserved the interests of distinctive limousine service and taxicab service through the respective definitions of each service, among other benefits and limitations. 53 Pa.C.S. §5761.

11. If the Authority were to ignore actions of these legislatively (and historically) distinguished types of service (partial-rights taxicabs, limousines, Medallion taxicabs, etc.) that infringed upon the type of service reserved to one of the others it would be akin to permitting a devaluation and potentially the destruction of those different types of services deemed necessary of preservation by the General Assembly. This Committee believes the differentiation of these services to be in the best interests of the public.

12. The General Assembly does not intend an absurd result in its statutes. See 1 Pa.C.S. §1907(1); see also *Pa. Gaming Control Bd. v. City Council of Phila.*, 2007 Pa. LEXIS 1583 (No. 55 FM 2007, No. 56 FM 2007) (Pa. 2007).

13. The Regulations were promulgated and issued according to applicable law, in the best interests of the public, and are binding upon those who choose to participate in the Philadelphia Taxicab and Limousine industries, including Executive.