

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Susquehanna Valley	:	
Limousine, Inc. t/a Susquehanna Valley	:	Docket No. A-2015-2472707
Taxi Service	:	

NOTICE TO PLEAD

The attached Motion to Strike of Susquehanna Valley Limousine, Inc. has been filed with the Pennsylvania Public Utility Commission in the above captioned proceeding. If you wish to respond to the Preliminary Objections, you must, pursuant to the provisions of 52 Pa. Code §5.103(c) take action within twenty (20) days after this Motion is served by filing a response with the Secretary of the Pennsylvania Public Utility Commission and serving a copy of that response upon all parties of record. You are warned that if you fail to do so the case may proceed without you and an order or a judgment may be entered against you by the Commission without further notice.

5. By interim order setting a resolution conference dated June 2, 2015 and issued by the Honorable Chief Administrative Law Judge Charles E. Rainey, Jr., the matter was assigned to Mediator Cynthia Lehman and further ordering that a conference be held no later than June 30, 2015.

6. On June 4, 2015, the undersigned entered his Notice of Appearance.

7. Counsel for Applicant and Protestant MTR have held discussions. Counsel for Applicant believes and therefore avers that this matter will be resolved between these parties shortly.

MOTION TO STRIKE PROTEST AS UNTIMELY

8. By letter dated June 9, 2015, a Mr. Carl W. Hovenstein filed a protest to the Application.

9. Within the letter Mr. Hovenstein's sole complaint is that approval of the application would harm the financial interests of Protestant Paul's; that Protestant Paul's provides excellent service; and that the application causes "financial hardships due to the large legal cost involved in defending their authority".

10. Essentially, Protestant Paul's is arguing that no application should be permitted to be filed because any existing carrier would be obligated to oppose that application at some cost and expense to it.

11. Protestant Paul's letter is signed by an individual of the company. While this may be acceptable; as a Corporation, Protestant Paul's must be represented by counsel at any hearing in this matter. Thus, should this matter proceed to hearing and Protestant Paul be permitted to

participate, the expense of retaining counsel would be borne by each protestant to this application in any event.

12. Pursuant to the provisions of 52 Pa. Code §5.53, “a protest must be filed within the time specified in the published notice of the application.”

13. Protestant Paul’s protest was filed over a month **after** the protest period expired.

14. Pursuant to the provisions of 52 Pa. Code §3.381(c)(1)(ii): “[f]ailure to file a protest in accordance with this subsection shall bar subsequent participation in the proceeding, except when permitted by this Commission for good cause shown.”

15. Protestant Paul’s sole explanation for missing the deadline was that he was “extremely busy”.

16. Applicant maintains that being busy does not constitute “good cause” for the lateness of his filing.

17. The purpose for permitting a protest to be subject to a Motion to Strike as set forth in 52 Pa. Code §3.381(c)(1)(i)(C) is clear. There must be some definitive time period when the protest process is closed and the parties may begin to prepare their respective cases or at least know who is opposing the application in order to begin settlement discussions. Unless the time constraints are meaningless, a prospective protestant could wait until the matter is awaiting Commission decision and then file a protest simply to delay the entry of an Applicant into the field. Additionally, judicial economy dictates that at some point in the process an Applicant must be apprised of who is opposing the application.

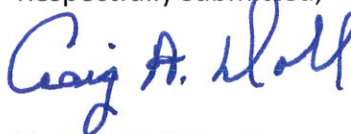
18. Due to the filing of this letter at this time with Protestant Paul’s statement in the letter that he will not accept any restrictive amendment, there is no other option than to hold a full

hearing in this proceeding, having caused time and expense to be expended by Applicant; negating any discussions between the Applicant and Protestant MTR; and wasting this Court's time should Applicant and MTR be able to resolve their differences.

19. Applicant submits that since Protestant Paul's protest has been filed over a month late and it has failed to show good cause for the delay, the protest should be stricken.

WHEREFORE, Applicant Susquehanna Valley Limousine, Inc. respectfully requests that Your Honor Strike the letter protest of Paul's Cab Service, Inc.

Respectfully submitted,



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Attorney for Applicant
Susquehanna Valley Limousine, Inc.

DATED: June 16, 2015

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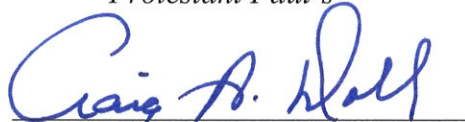
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CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing document upon the persons listed below via first class mail, postage prepaid in accordance with the provisions of 52 Pa. Code §1.54.

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Representing Protestant MTR

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Protestant Paul's



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DATED: June 16, 2015