



THOMAS, NIESEN & THOMAS, LLC

*Attorneys and Counsellors at Law*

THOMAS T. NIESEN  
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September 1, 2015

**Via Hand Delivery**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

In re: Docket No. A-2015-2475776  
Application of Amigo Cab, LLC

Dear Secretary Chiavetta:

We are counsel to Autocab, Inc. and are filing with this letter its Objection to the Application for Subpoena of Timothy J. Schwartz. A copy of the Objection is being served upon the persons and in the manner set forth on the certificate of service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Thomas T. Niesen

Enclosure

cc: Certificate of Service (w/encl.)  
Timothy J. Schwartz (via email, w/encl.)

150901-Chiavetta (Obj to T Schwartz Sub) wpd

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2015 SEP -1 PM 11:09  
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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Administrative Law Judge Dennis J. Buckley, Presiding

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Application of Amigo Cab, LLC for : Docket No. A-2015-2475776  
Approval to Provide Taxi Service Between :  
Points in the Counties of Berks and :  
Lancaster to Points in Pennsylvania and :  
return :

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**OBJECTION OF AUTOCAB, INC. TO APPLICATION FOR  
SUBPOENA OF TIMOTHY J. SCHWARTZ**

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AND NOW, comes Autocab, Inc., (“Protestant Autocab”) and, pursuant to 52 Pa. Code § 5.421(f), objects to the Application of Amigo Cab, LLC (“Applicant Amigo Cab”) for Subpoena of Timothy J. Schwartz as follows:

1. This proceeding concerns the Application of Amigo Cab, LLC, filed with the Public Utility Commission (“Commission”) on or about March 16, 2015, to provide call or demand service in Berks and Lancaster Counties.

2. Protestant Autocab provides call or demand service in Lancaster County and filed a timely Protest to the Application on June 3, 2015.

3. On or about August 19, 2015, Applicant Amigo Cab filed an Application for Subpoena of Timothy J. Schwartz to require his appearance at hearing on September 9, 2015.<sup>1</sup>

In support of the Application, Applicant Amigo Cab avers as follows:

Protestant Autocab asserts in its Protest that there is no public need for the service proposed by Applicant and that entry of Applicant’s proposed service into the local market would endanger or impair the operations of existing carriers. The Applicant requests that Mr. Schwartz appear and testify to the sufficiency of call and demand service in the area and any alleged adverse effect that the entry of a

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<sup>1</sup> The hearing of September 9, 2015 has been continued until a later date by Prehearing Order of Administrative Law Judge Buckley dated August 31, 2015.

new service would have on his business or other existing carriers. Mr. Schwartz's testimony is materially relevant to the proceeding because he is the owner of Autocab, the sole protestant in the proceeding, thus he is one of the only qualified individuals who has first hand knowledge of the effect of a new call or demand service on Autocab and other existing carriers.

4. Applicant Amigo Cab also filed Applications for Subpoenas to require the appearance of Mr. John A. Schwartz, Vice President and a Co-Owner of Protestant Autocab, and Mr. Greg Vannucci, Chief Financial Officer of Protestant Autocab, at the hearing on September 9, 2015. The averred justification for their appearance is identical in all material respects to the averred justification for the appearance of Mr. Timothy J. Schwartz.

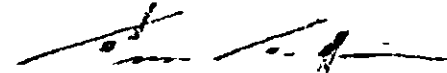
5. Protestant Autocab intends to present Mr. Timothy J. Schwartz as a witness at hearing.<sup>2</sup> A subpoena requiring his appearance is, thus, not necessary. The Application for Subpoena acknowledges that Mr. Timothy J. Schwartz is "one of the only qualified individuals who has first-hand knowledge of the effect of a new call or demand service on Autocab and other carriers." With the appearance at hearing of Mr. Timothy Schwartz, who is the President and a Co-Owner of Protestant Autocab, the appearance of Mr. John A. Schwartz and Mr. Vannucci is not necessary for Applicant's purposes at hearing. Applicant has presented nothing that suggests otherwise.

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<sup>2</sup> The date of the rescheduled hearing has not been noticed. If Mr. Timothy J. Schwartz is unavailable to appear on the rescheduled date, Protestant Autocab will substitute either Mr. Greg Vannucci or Mr. John A. Schwartz as witness for Protestant Autocab and notify Administrative Law Judge Buckley and Applicant Amigo Cab.

WHEREFORE, for the reasons set forth above, Protestant Autocab, Inc. requests that Administrative Law Judge Buckley deny the Application for Subpoena of Timothy J. Schwartz.

Respectfully submitted,



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By: Thomas T. Niesen, Esquire  
PA Attorney ID No. 31379  
THOMAS, NIESEN & THOMAS, LLC  
212 Locust Street, Suite 600  
Harrisburg, PA 17101

*Attorney for Protestant Autocab, Inc.*

DATE: September 1, 2015

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Administrative Law Judge Dennis J. Buckley, Presiding

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Application of Amigo Cab, LLC for : Docket No. A-2015-2475776  
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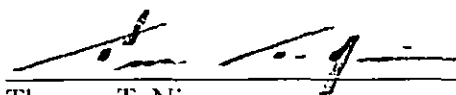
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I hereby certify that I have this 1<sup>st</sup> day of September, 2015 served a true and correct copy of the foregoing Objection of Autocab, Inc. to Application for Subpoena of Timothy J. Schwartz upon the persons and in the manner set forth below:

**VIA EMAIL AND FIRST CLASS MAIL, POSTAGE PREPAID**

The Honorable Dennis J. Buckley  
Administrative Law Judge  
Pennsylvania Public Utility Commission  
Post Office Box 3265  
Harrisburg, PA 17105-3265  
[debuckley@pa.gov](mailto:debuckley@pa.gov);

John W. Sweet, Esquire  
The Sweet Firm  
620 South 13<sup>th</sup> Street  
Harrisburg, PA 17104  
[John@Sweetfirm.com](mailto:John@Sweetfirm.com)  
*Counsel for Amigo Cab, LLC*



Thomas T. Niesen  
PA Attorney ID No. 31379

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**2015 SEP -1 PM 12:04**  
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