

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

In Re: Petition to Tropiano Transportation  
Services, Inc. for a Waiver of Filing Fee

Petition No. 1010351- 07P060001

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In a Petition filed by Tropiano Transportation Services, Inc. (the “Petitioner”) by and through its attorney, Kathleen Herzog Larkin, dated January 17, 2006, Petitioner requests The Philadelphia Parking Authority’s Taxicab and Limousine Division (hereinafter the “TLD”) waive its \$2,500.00 Protest Fee (“Protest Fee”) applicable to new limousine certifications. *See*, TLD Regs §9.c.vii.

**PROCEDURAL HISTORY**

First Class Limousine, Inc. (“FCL”) has submitted an application to the TLD for temporary and permanent rights as a common carrier providing luxury limousine service between points in Philadelphia and from points in Philadelphia to points in Pennsylvania and return.

Petitioner is a common carrier with authority to operate luxury limousines from the Public Utility Commission (Commission) A-00105977 and the Authority CPC-1010351-07.

On January 17, 2006, contemporaneous with the instant Petition, Petitioner filed a Protest to FCL’s application for luxury limousine rights.

The Authority emailed notice of FCL’s application to each necessary industry members that was in compliance with TLD Regulation 9.c.v . The notice stated that all protests must be accompanied by a Protest Fee of \$2,500.00. (Appendix A). Petitioner’s Protest complied with the Protest Fee requirement.

In the instant Petition, Petitioner has asserted that the Protest Fee “is excessive, punitive, unreasonable and has never been lawfully promulgated by the PPA” and should, therefore, be waived as to the underlying Protest Fee.

**RESPONSE**

The Philadelphia Parking Authority, through the TLD exercises sole jurisdiction over the limousine industry in Pennsylvania’s cities of the first calls and is empowered to enact rules and regulations necessary to advance such regulations. Act of July 16, 2004, No. 94.

Any party wishing to obtain a new limousine certificate in a city of the first class must prove a public need for such additional limousine service by a preponderance of the evidence.

3. The TLD recognizes the significance of weighing any person’s request to operate a limousine in a city of the first class and the financial benefits and burdens relating thereto for both the applicant and existing certificate holders.

4. The TLD also recognizes its public interest obligation to weigh concerns of limousine industry members with those of the public, a public that seeks readily available, clean, and safe limousine service at reasonable rates.
5. The TLD believes that reasonable and well-regulated competition among limousine certificate holders will provide the quality level of service rightly demanded by the public.

The application process for new limousine certificate holders is duly rigid, but should not be impossible, nor unduly expensive.

7. The TLD understands that a Protest Fee of \$2,500.00 is significant and that no similar fee existed under prior regulations, but also believes that the fee is fair in light of the weighty question (whether or not one may conduct business in the City of Philadelphia) at issue, the costs to both the TLD and the applicant to process such protests, and the need to reduce frivolous claims.

The Protest Fee is neither new, nor has the industry been lacking in notice:

The Protest Fee was submitted to the Taxicab and Limousine Advisory Board (composed of Industry participants) in advance of approval by the Authority's Board;  
The Protest Fee was submitted to the Authority's Board and approved at a public meeting;  
The Protest Fee was submitted to the Appropriation Committees of both the Pennsylvania Senate and House of Representatives, where it was made effective; and  
The Protest Fee has been posted at the TLD Headquarters, among other public places, for some time.

The Authority's annual budgetary and fee process is protracted and public, and provides many opportunities for participation, contribution, and objection. The Protest Fee has been through that review and approval process three (3) times as of the date of this Response.

The appropriate time to object to the Protest Fee is during the budgetary and fee formulation and review process, not after it has been through that process and affirmed by the Legislature.

For the forgoing reasons the Authority denies Petition's request for a Waiver of the \$2,500.00 Protest Fee.

Waiver Denied: September 5, 2006

James R. Ney, Director  
Taxicab and Limousine Division

## APPENDIX A

### **NOTICE OF MOTOR CARRIER APPLICATION FOR LIMOUSINE SERVICE IN THE CITY OF PHILADELPHIA**

The following temporary authority and/or permanent authority application for the right to render services a common carrier in the City of Philadelphia has been filed with the Philadelphia Parking Authority Taxicab and Limousine Division ("TLD"). Formal protests and petitions to intervene must be filed in accordance with TLD Regulations Sec. 9 c (TLD Regulations available at [www.philapark.org](http://www.philapark.org)). A protest shall indicate whether it applies to the temporary authority application,

the permanent authority application or both. Filings must be made at the offices of TLD, 700 Packer Ave., Phila., PA 19148, with a copy served on the applicant by 1/17/06. Documents filed in support of the applications are available for inspection and copying at the TLD office between 9:00AM and 4:30PM Monday through Friday or may be inspected at the business address of the respective applicant. The fee for lodging a formal protest is \$250.00 and must be in the form of a certified check or money order paid to PPA.

**First Class Limousine, Inc.** (734 Staghorn Dr., Newcastle DE 19720).a corporation of the State of Delaware and the Commonwealth of Pennsylvania, has applied to transport persons in limousine service between points within the City of Philadelphia and from points in the City of Philadelphia to points in Pennsylvania, and return.