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PUBLIC SERVICE COMMISSION OF WV

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UNIVERSITY TAXI
307 Stealey Avenue
Clarksburg, WV 26301

November 16, 2011

**JAMES WILLIAM PRICE, II,
d/b/a University Taxi,**

Case No. 11-0906-MC-C

Applicant.

FINAL BRIEF OF JAMES WILLIAM PRICE, II
d/b/a University Taxi

Comes now the Applicant, James William Price, II, d/b/a University Taxi, pro se, and respectfully submits his final brief as follows:

DISCUSSION

Yellow Cabs protest to my application should be denied in its entirety because Mr. King has proven that he is not financially responsible enough to carry on the existing service. Mr. King testified before ALJ, George that the Yellow Cab has been operating at a net loss for ten years. Mr. King testified that he has to obtain vehicles from auctions and pays about \$500.00 to \$600.00 per vehicle. Mr. King also testified that he had difficulties in providing insurance coverage and had to merge with another company to continue providing the insurance. Mr. King is clearly not a financially responsible individual to continue providing taxi service in Monongalia County.

Mr. King also testified that he charges his drivers a lease. Mr. King stated that he charges the day shift drivers \$70.00 and makes the driver pay for the fuel. He then on went to testify that he charges his night shift drivers a \$75.00 lease and makes them pay for the fuel. NOW, let's do the math here real quick, \$70.00 times 16 cabs equals \$920.00 per day shift, times 365 equals \$335,800. Now, \$75.00 times 16 cabs equals \$1,200 per night shift, times 365 equals \$438,000. Now, add the dayshift and night shift totals together and we come up with a gross of \$773,800. Mr. King's only expenses out of this gross total are his insurance and repairs that are needed over the year and his dispatchers and mechanics. Mr. King testified that his insurance per vehicle was only \$850.00 per year with a \$50,000 deductible. \$850.00 times 16 cabs gives us a total of \$13,600 for his insurance. I will figure in 5% for repairs for a total of \$38,690. Mr. King also testified that he pays his dispatchers and mechanics minimum wage. I will figure on a 40 hour work week for his dispatchers one dispatcher per shift answering 3 phone lines I remind you, for a total of \$13,920 gross. The dayshift and night shift combined gives us a total of \$27,840 gross pay roll for dispatching services. Then we have to figure in Mr. King's manager and his mechanic. I will figure in the same gross total for the manager and mechanic combined for another gross total of \$27,840. Mr. King also testified that he paid \$32,000 last year to Brick Street. The totals of two dispatchers, his mechanic, his manager, his repairs and his insurance and Brick Street come to the grand total of \$139,970. Now, lets take Mr. Kings gross of \$773,800 and subtract his expenses and we come to an approximate total of \$633,830. Mr. King clearly lied about him taking a loss for the last 10 years. Mr. King give or take by his own admission under oath is netting approximately \$600,000 give or take.

On August 05, 2011 the Executive Secretary of the Public Service Commission of WV received a FOIA request on behalf of University Taxi requesting P. S. C. form 55 for the Morgantown Cab Company, Inc. d/b/a/ Yellow Cab. John D. Little of the PSC (page 2) of this request stated the following. Therefore, to the best of my knowledge, the Public Service Commission of West Virginia does not have a copy of P.S.C. M.C. Form 55 in any of its files. Further, this Form is not required to be filed with the Commission.

Further, to assist you, I note that a company leasing taxicabs is required to provide the public Service Commission of West Virginia the information required under Rule 8.4 of the Rules Governing Motor Carriers and P.S.C. M.C. Form 31. A search has been conducted of Yellow Cab's records maintained in the Transportation Administration Division, and the Commission's formal records, which did not yield Form 31. Mr. King has never had the ability to charge his drivers a lease due to the fact that he has not filed the P.S.C. M.C. form 31. Page 25. of TITLE 150, 4.8 Taxicab leasing; leased equipment. 4.8.a. No certificate holder shall lease or rent a motor vehicle to the driver thereof for use as a taxicab except as provided by P.S.C. M.C. Form No. 55.

Mr. King does also not properly display any of the mandatory decals on his motor vehicles as required by the Commission. His DOT number is to be displayed conspicuously to be visible from a 50 foot distance during day light hours. As evidenced by the photos of my exhibits it is not. The city of the base of operations is to be 2-3 inches in height and clearly visible from a 50 foot distance during day light hours. They are not. The rates of a motor carrier are to be displayed on the rear side of its motor vehicle to be visible as a passenger enters said motor vehicle curbside. Mr. King does have rates displayed BUT are not his proper rates. See exhibits of Price, the wait time of

Yellow Cab according to its tariff approved by the Commission is \$0.25 a min. Mr. King has posted \$0.35 a min. which is not correct.

The non- displaying of his proper wait times brings me to the next topic. Mr. King and the Yellow Cab are charging a per- head fee of \$5.00 putting as many individuals in a cab many times exceeding the capacity of the motor vehicle. This is a clear safety violation and the per-head fee of \$5.00 is another clear violation of the Commissions Rules and Regulations Governing Motor Carriers, TITLE 150, page 26. 4.11. Taxicab metering. Every common carrier by motor vehicle of passengers in taxicab service shall be required to equip each motor vehicle operated by it for the transportation of passengers in taxicab service with a taximeter which shall be used for computation of taxicab fares according to the carrier's authorized tariff.

Mr. King and the Yellow Cab are also responsible for the cleaning of their cabs which many individuals testified to the older cabs being dirty. TITLE 150, page 24, 4.2. safety and sanitation in vehicles in which passengers are transported. All motor vehicles in which passengers are being transported in intrastate common or contract carriage shall be maintained in a safe, clean, and sanitary condition at all times.

Mr. King has violated almost every regulation of the Commission and TITLE 150. King states that any competition will effect his operations. Many individuals spoke about competition at the hearing. The adding of University Taxi as an additional service in Monongalia County will give those individuals the alternative that they need and deserve. Mr. King seems to think that he makes the rules in his business but this is clearly not so. Mr. King and the Yellow Cab have TITLE 150 and rules that govern them.

Why would Mr. King and the Yellow Cab choose to operate like this, the reason is clear, Yellow Cab is the only taxi/cab service servicing Monongalia County. The public has no other taxi/cab service to call on. If Yellow Cab tells a customer that it will be a 2 hour wait or not even answer the phone at all, which witnesses have testified to, it is clearly a 2 hour wait or the public does not receive a taxi/cab at all. Legislature has invested the enforcement of taxi/cab service to the Public Service Commission of WV. Mr. King and his Yellow Cab service do not abide by these rules and regulations due to the mere fact that Yellow Cab stands alone as the only taxi/cab service in Monongalia County and thus it is the Yellow Cabs way or no way.

Lets focus on my self for a moment, (Price.) Yellow Cab through its attorney David Hanna consistently states that I am not financially fit to provide the service that I have proposed . I am the former owner and certificate holder of the J. W. Price Cab Company, servicing Fairmont, Marion County, WV. Fairmont was an abandoned territory when the J. W. Price Cab Company began its operations. Fairmont did not have taxi/cab service for approximatley 2 years prior. When I started operations my first taxi/cab was a 1994 Chevy Astro Van. I paid the little over \$1,000 down for my commercial insurance through United Security Agency and I was flat broke at this point. My mother Charlotte Price gave me the last \$20.00 she had that day for gas so that I could be open my first day. Everyone I knew told me that I was going to fail and that it would never work. I was told by several people that I needed to write a book if I was successful in Fairmont. Well, I proved them all wrong. I provided the service from aprox. May of 2006, till January of 2009 at which time I sold the J. W. Price Cab Company to Mike Queen. In this time period I had no formal complaints filed with the Commission. I kept my complaint log as required by the Commission and had zero complaints in it also. The J. W. Price Cab Company NEVER had a net loss for the period that it was in operations. I filed for a rate increase and was denied by the Commission. After an audit of the books of the J. W. Price Cab Company, I was told that I had generated to much revenue and was denied the rate increase

that I had requested. I currently am employed at Town and Country Drug Store as a Delivery Driver at the rate of \$7.50 an hour. This is irrelevant. Mr. Hanna and Mr. King make it sound like I am some poor fellow that does not what he is doing and that I am not financially sound to provide the service. Seriously? I would have never sent in my initial form 8, if I was not 100% sure that I could provide quality service to the public immediately after being granted a new certificate. I have purchased a 2002 Dodge Intrepid, SE (that I own outright with a clear title), that I will use for my initial taxi plus the two motor vehicles that I will be leasing from Doug Brady at Doug's Towing in the amount of \$1.00 usd, per vehicle. Let me enlighten Mr. Hanna and Yellow Cab on this motor vehicle subject and insurance. As long as a motor vehicle passes state inspection, has a processed form 4, a form 60 inspection, the proper insurance as set forth by the Commission, and has the decals and markings of the said motor carrier it does not matter as to whom the actual owner of the motor vehicle is. I could go to Enterprise Rent A Car and lease the motor vehicles and as long as the motor vehicle meets the above mentioned requirements as set forth by state guide lines and the requirements of the Commission I could use the motor vehicles under my authority. I am pretty sure that I can afford \$2.00 for the leasing of the motor vehicles from Mr. Brady. The base of operations of University Taxi will soon be at the location of 403 Dunkard Avenue, Westover, WV. I will have no rental expenses or utilities to pay.

As to the mention of other transportation options in Monongalia County this is totally irrelevant. Lets talk about the Mountain Line just for a brief moment. The Mountain Line runs routes on a timed schedule and is not open 24 hrs. a day. Yellow Cab had Mr. Bruffy from the Mountain Line come in to testify. Mr. Bruffy should have saved his time and not testified at all. The operations of the Mountain Line and any other form of transportation being provided in Monongalia County is clearly not comparable. It is like comparing apples and oranges, yes they are both fruits but so totally different in

nature at the same time. There is only one current taxi/cab service. University Taxi applied to operate in taxi/cab service not a bus line or any other form of transportation. As to the mention of Hotel/Motels and Apartment complexes providing transportation services to individuals these are clearly violations under the Commission guide lines. Any time a business/individual takes U.S. Currency out of another individuals hands they must have the authority and proper insurance coverage to do so under P.S.C. Regulations. They can call it a tip, gratuity, gas money, or any other term that they may come up with but the bottom line is that it is illegal in the State of WV. Apparently Mr. King thinks this is ok. He has never filed a formal complaint with the Commission on behalf of the Yellow Cab towards the individuals or business entities that he mentioned in his testimony. Mr. King wants to complain but has taken no action to cease these illegal operations.

CONCLUSION

The compelling testimony of the witnesses at the hearing combined with the letters of support for University Taxi and the exhibits labeled PRICE 1-8, clearly out weigh any testimony of the witnesses for the Yellow Cab. The need for additional taxi/cab service has been clearly proven by the individual testimony and exhibits that the Yellow Cab does not provide adequate service currently to the citizens of Monongalia County. The addition of University Taxi is immediately needed to help meet the current and future need of Monongalia County as a whole. The Public Service Commission of West Virginia's goal is for the fair and just treatment of the public. This is also the goal of UNIVERSITY TAXI and JIM PRICE, THE CERTIFICATE SHOULD BE GRANTED.

Very Truly Yours,



JAMES W. PRICE, II

UNIVERSITY TAXI

(PRO SE)

cc: David B. Hanna, Esq.