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July 9, 2013

**VIA FEDERAL EXPRESS**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120

**RECEIVED**

JUL 09 2013

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**Re: Application of Lifestar Response of New Jersey**  
**Docket Number: A-2013-2352953**

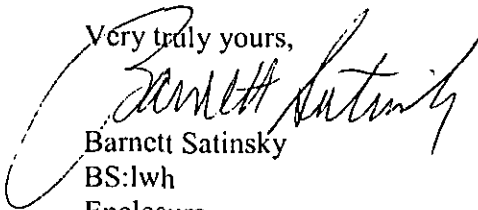
Dear Secretary Chiavetta:

Enclosed for filing are an original and one copy of this cover letter and the Joint Protest of Suburban Transit Network, Inc. t/a TransNet, Willow Grove Yellow Cab Co., Inc. t/d/b/a Bux-Mont Yellow Cab and t/d/b/a Bux-Mont Transportation Services Co., Norristown Transportation Company, Tri County Transit Service, Inc., and Bucks County Transport to the Application for a Certificate of Public Convenience by Lifestar Response of New Jersey, a copy of which is being served on Applicant.

Please file the original and return to me a date-stamped copy in the enclosed, self-addressed, stamped envelope.

Thank you for your cooperation.

Very truly yours,



Barnett Satinsky  
BS:lwh  
Enclosure

- cc: Christopher A. Lewis, Esquire (*counsel for Applicant*) (w/encl.)  
(*Certified Mail/Return Receipt No. 7196 9008 9111 6893 0590*)  
Ms. Patricia Moir (w/encl.) (*via email*)  
Mr. Samuel Valenza (w/encl.) (*via email*)  
Ms. Bonnie Geist (w/encl.) (*via email*)  
Mr. James Tammaro (w/encl.) (*via email*)  
Mr. James Raymond (w/encl.) (*via email*)

A Pennsylvania Limited Liability Partnership

California Colorado Connecticut Delaware District of Columbia  
Florida Nevada New Jersey New York Pennsylvania

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**IN RE: APPLICATION OF : DOCKET A-2013-2352953  
LIFESTAR RESPONSE OF NEW JERSEY – :  
LIFESTAR RESPONSE CORP :**

**JOINT PROTEST OF PROTESTANTS SUBURBAN TRANSIT NETWORK, INC.  
T/A TRANSNET, WILLOW GROVE YELLOW CAB CO., INC. T/D/B/A BUX-MONT  
YELLOW CAB AND T/D/B/A BUX-MONT TRANSPORTATION SERVICES CO.,  
NORRISTOWN TRANSPORTATION COMPANY, TRI COUNTY TRANSIT  
SERVICE, INC. AND BUCKS COUNTY TRANSPORT, INC., TO THE  
APPLICATION FOR A CERTIFICATE OF PUBLIC CONVENIENCE OF  
LIFESTAR RESPONSE OF NEW JERSEY – LIFESTAR RESPONSE CORP**

AND NOW COME the Protestants identified below, by their attorney, and file this Joint Protest to the above captioned application for a certificate of public convenience, the basis of which is as follows:

1. Applicant's name and docket number of the application:

Lifestar Response of New Jersey – Lifestar Response Corp  
(hereinafter referred to as “Lifestar” or “Applicant”)  
1740 Easton Avenue  
Bethlehem, Northampton County, PA 18108

Docket number A-2013-2352953

2. Names, business addresses and telephone numbers of the Protestants:

(a) Suburban Transit Network, Inc.  
(hereinafter referred to as “TransNet”)  
980 Harvest Drive, Suite 100  
Blue Bell, PA 19422  
(215) 542-7433

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SECRETARY'S BUREAU

- (b) Willow Grove Yellow Cab Co., Inc.  
t/d/b/a Bux-Mont Yellow Cab and  
t/d/b/a Bux-Mont Transportation Services Co.  
(hereinafter referred to as "Bux-Mont")  
701 Lincoln Avenue  
Willow Grove, PA 19090  
(215) 659-8865
- (c) Norristown Transportation Company  
(hereinafter referred to as "Norristown")  
37 Burnside Avenue  
Norristown, PA 19403  
(610) 277-8408
- (d) Tri County Transit Service, Inc.  
(hereinafter referred to as "Tri County")  
110 Industrial Parkway  
Sanatoga, PA 19464  
(610) 495-5640
- (e) Bucks County Transport, Inc.  
(hereinafter referred to as "BCT")  
Buckingham Green II  
P.O. Box 510  
Holicong, PA 18928  
(215) 794-5554

3. Name, business address, telephone and fax numbers of Protestants' attorney:

Barnett Satinsky, Esquire  
Fox Rothschild LLP  
2000 Market Street – 20th Floor  
Philadelphia, PA 19103 - 3222  
(215) 299-2088 (telephone)  
(215) 299-2150 (fax)

4. Name, business address, telephone and fax numbers of Applicant's attorney:

Christopher A. Lewis, Esquire  
Blank Rome LLP  
One Logan Square  
130 North 18<sup>th</sup> Street  
Philadelphia, PA 19103  
(215) 569-5793 (telephone)  
(215) 832-5793 (fax)

5. Statement of the nature of Protestants' interests in the application and statement of adverse impact upon Protestants and the public:

(a) Nature of Protestants' interests

The Applicant seeks the following additional authority:

to transport, as a common carrier, persons in paratransit service, from points in the Counties of Bucks, Carbon, Chester, Delaware, Lancaster, Monroe and Montgomery, and from the City and County of Philadelphia, to points in Pennsylvania, and return.

- (1) Protestant TransNet holds authority from the Commission at Docket A-00102219, F.2 and operates thereunder to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the County of Montgomery. Protestant TransNet also holds authority at Docket A00102219, F.1, Am-A for the transportation, as a common carrier, of persons in paratransit service from points in the county of Montgomery, to points in the counties of Chester, Delaware, Philadelphia and Bucks and return.
- (2) Protestant Bux-Mont holds authority from the Commission at Docket A-00087075 and six folders and operates thereunder. Docket A-00087075, F.5, Am. A authorizes Protestant to render paratransit service between points in the borough of Hatboro, and the townships of Upper Moreland, Horsham and that part of Abington, bounded and described as follows: Beginning at the intersection of Moreland Road and North Hills Avenue; thence on North Hills Avenue to Fitzwatertown Road; thence northwardly on Fitzwatertown Road to a line running along Patane Avenue, as it would be extended westwardly; thence on the said line to Patane Avenue beginning at Lindburgh Avenue; thence on a line at Patane Avenue which would be extended to the Reading Railroad to Glendale Avenue; thence on Glendale Avenue to Edgehill Road; thence on Edgehill Road to Moreland Road; thence on Moreland Road to North Hills Avenue, the place of beginning, all in the

county of Montgomery, the borough of Ivyland, and the townships of Warminster, Warrington, Warwick, and that part of Upper Southampton described and bounded as follows: Beginning at the intersection of Davisville and Bristol Roads, thence east on Bristol Road to its intersection with Chinguapin Road, south on Chinguapin Road to its imaginary intersection with Stump Road (becoming Buck Road), south on Buck Road to its intersection with County Line Road, thence west on County Line Road to Davisville Road, thence north on Davisville road to the point of its beginning, all in the county of Bucks.

Protestant Bux-Mont also holds authority at Docket A-00087075, F.5 to transport, as a common carrier, persons, in paratransit service, from points in the Townships of Abington, Cheltenham, Horsham, Lower Moreland, Upper Dublin, Upper Moreland, and the Boroughs of Ambler, Bryn Athyn, Hatboro, Jenkintown and Rockledge, as well as those portions of Lower Gwynedd Township east of Bethlehem Pike, those portions of Springfield and Whitmarsh Townships north of Stention [sic] Road, and that portion of Whitpain Township east of Mont Pleasant Road and north of Morris Road, all in Montgomery County; and in the Townships of Lower Southampton, Upper Southampton, Warminster, Warrington, Warwick, and the Borough of Ivyland, all in Bucks County: to points in Bucks, Montgomery and Philadelphia Counties, and return.

- (3) Protestant Norristown holds authority from the Commission at Docket A-00106639, F.4 and operates thereunder to transport, as a common carrier by motor vehicle, persons in paratransit service, between points in the borough of Norristown, and within an airline distance of five (5) statute miles of limits of said borough, and between points in the township of Whitmarsh, all in Montgomery County.
- (4) Protestant Tri County holds authority from the Commission at Docket A-00112826, F.2 and operates thereunder to transport, as a common carrier by motor vehicle, persons in paratransit service between points in the borough of Pottstown, Montgomery County, and within an airline distance of fifteen (15) statute miles of the limits of said borough.
- (5) Protestant BCT holds authority from the Commission at Docket A-00107294, F.2, Am-C and operates thereunder to transport, as a common carrier, persons, in paratransit service, between points in the County of Bucks, and from points in said county, to points in the counties of Northampton, Lehigh, Montgomery and Philadelphia, and vice versa; subject to the following condition:

(1) That any service shall be provided in vehicles having a seating capacity of twenty-eight (28) passengers or less, excluding the driver; and (2) That no right, power of privilege is granted to originate service from points in the county of Montgomery.

(b) Adverse impact

If Lifestar is granted the additional authority to provide paratransit service from points in the Counties of Bucks, Carbon, Chester, Delaware, Lancaster, Monroe and Montgomery, and from the City and County of Philadelphia, to points in Pennsylvania, and return, areas in which the Protestants currently render paratransit service, it will affect Protestants' ability to render a service to the public in their authorized territories. A grant of this application will jeopardize traffic of Protestants in a substantial portion of their authorized paratransit territories and in turn will jeopardize their service to the public generally. Such occurrence would adversely affect the Protestants and the public.

There is no need for the certificate of public convenience requested. Further, Protestants challenge the fitness of the Applicant to perform the proposed service for reasons including, but not limited to, the Applicant's failure to demonstrate that: 1) Applicant has sufficient capital, equipment, facilities and other resources necessary to serve the territory requested; 2) Applicant and its employees have sufficient technical expertise and experience to serve the territory requested; 3) Applicant has secured or is able to secure sufficient and continuous insurance coverage; 4) Applicant has an appropriate plan to comply with the applicable driver and vehicle safety regulations and service standards; 5) Applicant is in compliance with Commission orders and regulations; and 6) Applicant and its drivers are free from convictions of a felony or crime of moral turpitude and are not subject to supervision by a court or correctional institution.

6. List of all commission docket numbers under which Protestants operate: (with pertinent authorities designated and attached hereto)

(a) TransNet

Docket Number A-00102219, Folder 1 (Attached)

Docket Number A-00102219, Folder 1, Amendment A (Attached)

Docket Number A-00102219, Folder 1, Amendment C (Attached)

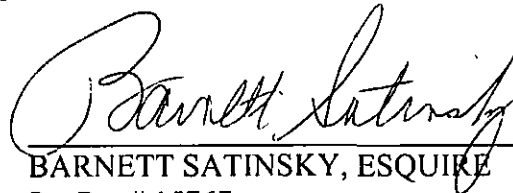
Docket Number A-00102219, Folder 2 (Paratransit) (Attached)

Docket Number A-00102219, Folder 3 (Broker's License) (Attached)

- (b) Bux-Mont  
Docket Number A-00087075, Folders 1, 2, 3, 4, 5, 6 (Name change)  
(Attached)  
Docket Number A-00087075, Folders 2, 3, 3 Am-A, 4 (Call and Demand)  
Docket Number A-00087075, Folders 5/A-2009-2123552, 5 Am-A  
(Paratransit) (Attached)  
Docket Number A-00087075, Folder 6 (Property)  
Docket Number A-00087075, Folder 7 (Limousine)
- (c) Norristown Transportation Company  
Docket Number A-00106639, Folder 4 (Attached)
- (d) Tri County Transit Service, Inc.  
Docket Number A-00112826, Folder 2 (Attached)
- (e) Bucks County Transport, Inc.  
Docket Number A-00107294, Folder 2, Am-C (Paratransit) (Attached)  
Docket Number A-00107294, Folder 3, Am-A (Group and Party)

7. Proposed restriction:

In order to protect their interests, Protestants propose that Lifestar Response of New Jersey – Lifestar Response Corp, limit the scope of its application to such services and in such geographical area so as not to adversely impact on the operations of the respective Protestants.



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BARNETT SATINSKY, ESQUIRE

Pa. Bar # 15767

FOX ROTHSCHILD LLP

2000 Market Street, 20<sup>th</sup> Floor

Philadelphia, PA 19103-3222

(215) 299-2088 (telephone)

(215) 299-2150 (fax)

[bsatinsky@foxrothschild.com](mailto:bsatinsky@foxrothschild.com)

Attorney for Joint Protestants

Suburban Transit Network, Inc. t/a TransNet,

Willow Grove Yellow Cab Co., Inc. t/d/b/a Bux-Mont

Yellow Cab and t/d/b/a Bux-Mont Transportation Services

Co., Norristown Transportation Company, Tri County

Transit Service, Inc., and Bucks County Transport, Inc.

Date: July 9, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 9<sup>th</sup> day of July, 2013, served true copies of Protestants Suburban Transit Network, Inc. t/a TransNet, Willow Grove Yellow Cab Co., Inc. t/d/b/a Bux-Mont Yellow Cab and t/d/b/a Bux-Mont Transportation Services Co., Norristown Transportation Company, Tri County Transit Service, Inc., and Bucks County Transport, Inc.'s Joint Protest to the Application for a Certificate of Public Convenience of Lifestar Response of New Jersey, upon the participants, listed below, in accordance with the requirements of 52 Pa. Code § 1.54.

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street  
Harrisburg, PA 17120  
*(By Federal Express)*

Christopher A. Lewis, Esquire  
Blank Rome LLP  
One Logan Square  
130 North 18<sup>th</sup> Street  
Philadelphia, PA 19103  
*(Counsel for Applicant)*  
*(By Certified Mail, Return  
Receipt Requested, Postage Prepaid)*

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU



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FOX ROTHSCHILD LLP  
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Philadelphia, PA 19103-3222  
(215) 299-2088 (telephone)  
(215) 299-2150 (fax)  
[bsatinsky@foxrothschild.com](mailto:bsatinsky@foxrothschild.com)

Attorney for Joint Protestants  
Suburban Transit Network, Inc. t/a TransNet,  
Willow Grove Yellow Cab Co., Inc. t/d/b/a Bux-Mont  
Yellow Cab and t/d/b/a Bux-Mont Transportation  
Services Co., Norristown Transportation, Tri County  
Transit Service, Inc., and Bucks County Transport, Inc.



COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

VERIFICATION

I, Patricia A. Moir, hereby state that I am Executive Director of Suburban Transit Network, Inc. t/a TransNet ("TransNet"); that I am authorized to make this verification on its behalf; that the facts above set forth in the Protest to this Application are true and correct to the best of my knowledge, information and belief with respect to TransNet; and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.



Patricia A. Moir

Dated: July 9, 2013

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

VERIFICATION

I, Sam Valenza, hereby state that I am Chief Operating Officer of Willow Grove Yellow Cab Co., Inc. t/d/b/a Bux-Mont Yellow Cab and t/d/b/a Bux-Mont Transportation Services Co. ("Bux-Mont"); that I am authorized to make this verification on its behalf; that the facts above set forth in the Protest to this Application, are true and correct to the best of my knowledge, information and belief with respect to Bux-Mont; and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Sam Valenza

Dated: July 9, 2013

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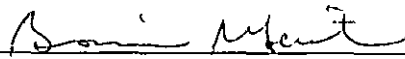
JUL 09 2013

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

VERIFICATION

I, Bonnie Geist, hereby state that I am Treasurer of Norristown Transportation Company ("Norristown"); that I am authorized to make this verification on its behalf; that the facts above set forth in the Protest to this Application are true and correct to the best of my knowledge, information and belief with respect to Norristown; and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
Bonnie Geist

Dated: July 9, 2013

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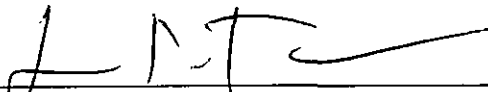
JUL 09 2013

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**VERIFICATION**

I, James Tammaro, hereby state that I am Manager of Tri County Transit Services, Inc.; that I am authorized to make this verification on its behalf; that the facts above set forth in the Protest to this Application are true and correct to the best of my knowledge, information and belief with respect to Tri County Transit Services, Inc.; and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

  
\_\_\_\_\_  
James Tammaro

Dated: July 9, 2013

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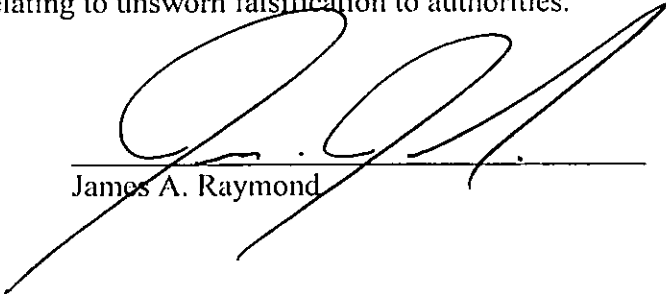
JUL 09 2013

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

COMMONWEALTH OF PENNSYLVANIA  
BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

VERIFICATION

I, James A. Raymond, hereby state that I am Chief Financial Officer of Bucks County Transport, Inc. ("BCT"); that I am authorized to make this verification on its behalf; that the facts above set forth in the Protest to this Application are true and correct to the best of my knowledge, information and belief with respect to BCT; and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

  
James A. Raymond

Dated: July 9, 2013

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held April 7, 1994

Commissioners Present:

David M. Rolka, Chairman  
Joseph Rhodes, Jr., Vice-Chairman  
John K. Quain  
Lisa Crutchfield  
John Hanger

Request of Montgomery County Paratransit  
Association, Inc. for a name change.

A-00102219  
Pg. 1, 3

O R D E R

BY THE COMMISSION:

This matter comes before the Commission upon letter-request of Montgomery County Paratransit Association, Inc. that its common carrier certificate and brokerage license be changed to stand in the name of Suburban Transit Network, Inc. pursuant to 52 Pa. Code §3.381(a)(6)(i).

Upon review of the request, it appears that the necessary filings have been made and that there has been no change in the ownership or control of the business; THEREFORE,

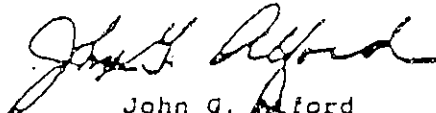
IT IS ORDERED: That the request be and is hereby approved and that the certificate and license issued to Montgomery County Paratransit Association, Inc. be changed to stand in the name of Suburban Transit Network, Inc.

IT IS FURTHER ORDERED: That the certificate and license holder shall effect the name change on its insurance and tariff filings with the Commission.

IT IS FURTHER ORDERED: That in the event said certificate and license holder has not effected the name change on its insurance and tariff filings within thirty (30) days from the date of service of this order, the request shall be deemed denied without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with the requirements of this order, the certificate and license shall be endorsed in the name of Suburban Transit Network, Inc.

BY THE COMMISSION,



John G. Clifford  
Secretary

(SEAL)

ORDER ADOPTED: April 7, 1994

ORDER ENTERED: APR 13 1994

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Application of Montgomery County  
Paratransit Association, Inc.  
Amendment to permit the transportation of persons, in paratransit service, from points in the county of Montgomery, to points in the counties of Chester, Delaware, Philadelphia and Bucks, and return; subject to the following conditions: That the applicant shall comply with all the rules and regulations as set forth in Title 52, Pa. Code 29.353 and 29.354; and so as to eliminate condition number (6) which reads as follows: That the applicant is restricted to no more than two vehicles in its operation.

A. 102219, F. 1, Am-A

O R D E R

In accordance with the provisions of Act 294 of 1978 (66 Pa. C.S. §332(h)), the decision of Administrative Law Judge Martin R. Fountain dated June 13, 1985 has become final without further Commission action; THEREFORE,

IT IS ORDERED:

1. That the application of Montgomery County Paratransit Association, Inc. docketed at A. 102219, F. 1, Am-A be and is hereby approved and that the certificate issued to applicant at A. 102219, F. 1 on December 18, 1980 be amended to include the following rights:

To transport, as a common carrier, persons in paratransit service from points in the county of Montgomery, to points in the counties of Chester, Delaware, Philadelphia and Bucks and return.

2. That applicant's request to eliminate certain restrictions from its existing authority be and is hereby granted. Therefore, the Commission's order entered December 18, 1980 at A. 102219, be and is hereby modified and amended to delete therefrom the following restriction:


F. That the applicant is restricted to no more than two vehicles in its operations.

3. That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

4. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted the carrier, shall not be construed as conferring more than one operating right.

5. That in the event said applicant has not, on or before 60 days from the date of service of this order, complied with the requirements set forth above, application shall be dismissed without further proceedings.

BY THE COMMISSION,



Jerry Rish  
Secretary

(SEAL)

ORDER ENTERED: July 23, 1985



PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Application of Suburban Transit  
Network, Inc. t/d/b/a TransNet

A-00102219F0001, Am-C

F I N A L     O R D E R

In accordance with the provisions of Section 332(h) of the Public Utility Code, 66 Pa. C.S. §332(h), the decision of Administrative Law Judge Marlane R. Chestnut dated March 10, 1998, has become final without further Commission action; THEREFORE,

IT IS ORDERED:

1. That the certificate of public convenience held by Suburban Transit Network Inc., t/d/b/a TransNet Transportation, at A-00102219F0001, be amended to remove the vehicle restriction which states that "The service herein authorized is limited to the transportation in vehicles having a seating capacity of not less than 10 or more than 15 persons, including the driver."
2. That applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates..
3. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.
4. That in the event said applicant has not, on or before 60 days from receipt of this order, complied with the requirements set forth above, the Application shall be dismissed without further proceedings.
5. That App. Exhs. 31 and 32 are admitted into the record.

6. That the record at Docket No. A-00102219F0001,  
Am-C, be marked closed.

BY THE COMMISSION,

*James J. McNulty*

James J. McNulty  
Secretary

(SEAL)

ORDER ENTERED: MAY 13 1992

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

A. 102219

Application of Montgomery County Para-  
transit Authority, a corporation of the  
Commonwealth of Pennsylvania, for the  
right to begin to transport, as a common  
carrier, by motor vehicle, persons, in  
paratransit, between points in the  
County of Montgomery; subject to the  
following conditions: That the service  
herein authorized is limited to trans-  
portation in vehicles having a seating  
capacity of not less than ten (10) nor  
more than fifteen (15) persons, including  
the driver; that the service herein  
authorized is limited to transportation  
for which advance reservations are made  
in a vehicle not reserved for individual  
use; that no right, power or privilege  
is granted to provide scheduled route  
service as defined in the Pennsylvania  
Code, Title 52, Chapter 29.14; that no  
right, power or privilege is granted to  
provide call or demand service as defined  
in the Pennsylvania Code, Title 52, Chapter  
29.15; and that no right, power or privilege  
is granted to transport persons in group  
and party service, as defined in the  
Pennsylvania Code, Title 52, Chapter 29.16.

Application of Montgomery County Para-  
transit Authority, a corporation of the  
Commonwealth of Pennsylvania, for a  
brokerage license evidencing the  
Commission's approval of the beginning  
of the right and privilege to operate  
as a broker, for the transportation of  
persons and their baggage, in paratransit  
service, between points in the County of  
Montgomery.

A. 102219,  
F.2

O R D E R

In accordance with the provisions of Act 294 of 1978 (66 Pa. C.S.  
§332(h)), the decision of Administrative Law Judge Pallastrone dated October 27,  
1980 has become final without further Commission action; THEREFORE,

IT IS ORDERED:

1. That the application of Montgomery County Paratransit Authority  
at Docket No. A. 102219, F.1., be and is hereby approved and that a certificate  
be issued to applicant granting the following rights:

To transport, as a common carrier, by motor vehicle, persons, in paratransit service, between points in the County of Montgomery;

subject to the following conditions:

- A. That the service herein authorized is limited to the transportation of vehicles having a seating capacity of not less than 10 and no more than 15 persons, including the driver;
- B. That the service herein authorized is limited to transportation for which advance reservations are made in a vehicle not reserved for individual use;
- C. That no right, power or privilege is granted to provide scheduled route service as defined in the Pennsylvania Code, Title 52, Chapter 29.14;
- D. That no right, power or privilege is granted to provide call or demand service as provided in the Pennsylvania Code, Title 52, Chapter 29.15;
- E. That no right, power or privilege is granted to transport persons, in group or party service, as defined in the Pennsylvania Code, Title 52, Chapter 29.16;
- F. That the applicant is restricted to no more than two vehicles in its operations.

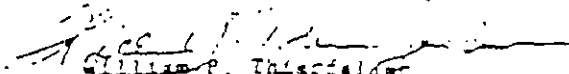
2. That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Public Utility Law and the rules and regulations of the Commission relating to the filing and acceptance of a tariff establishing just and reasonable rates, and filing proof of the required insurance.

3. That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

4. That in the event said applicant has not, on or before sixty (60) days from the date of service of this Order, complied with the requirements set forth, the application shall be dismissed without further proceedings.

5. That the application of Montgomery County Paratransit Authority at A. 102219, F.2., be and is hereby denied.

BY THE COMMISSION,

  
William P. Thierfelder  
Secretary

(SEAL)

ORDER ENTERED: DEC 18 1980

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held August 15, 1991

Commissioners Present:

William H. Smith, Chairman  
Joseph Rhodes, Jr., Vice-Chairman  
Wendell F. Holland, Commissioner  
David W. Rolka, Commissioner

Request of Willow Grove Yellow Cab Co., Inc.,  
t/d/b/a Bux-Mont Yellow Cab.

A-00087075  
Pa. 1, 2, 3, 4,  
5 and 6

O R D E R

BY THE COMMISSION:

This matter comes before the Commission upon letter-request of Willow Grove Yellow Cab Co., Inc., t/d/b/a Bux-Mont Yellow Cab that its certificates of public convenience be changed to stand in the name of Willow Grove Yellow Cab Co., Inc., t/d/b/a Bux-Mont Yellow Cab and t/d/b/a Bux-Mont Transportation Services Co. pursuant to 52 Pa. Code §3.381(a)(6).

Upon review of the request, it appears that the necessary filings have been made and that there has been no change in the ownership or control of the business; THEREFORE,

IT IS ORDERED: That the request be and is hereby approved and that the certificates issued to Willow Grove Yellow Cab Co., Inc., t/d/b/a Bux-Mont Yellow Cab be changed to stand in the name of Willow Grove Yellow Cab Co., Inc., t/d/b/a Bux-Mont Yellow Cab and t/d/b/a Bux-Mont Transportation Services Co.


IT IS FURTHER ORDERED: That the certificate holder shall effect the name change on its tariff filings with the Commission.

IT IS FURTHER ORDERED: That in the event said certificate holder shall not effect the name change on its tariff filings within thirty (30) days from the date of service of this order, the request shall be deemed denied without out further proceedings.

IT IS FURTHER ORDERED: That upon compliance with the requirements of this order, the certificates shall be endorsed in the name of Willow Grove

Yellow Cab Co., Inc., t/d/b/a Bux-Mont Yellow Cab and t/d/b/a Bux-Mont  
Transportation Services Co.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich". The signature is written in black ink and is positioned above the printed name.

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: August 15, 1991

ORDER ENTERED: August 20, 1991

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

**Public Meeting held January 12, 2012**

**Commissioners Present:**

**Robert F. Powelson, Chairman**  
**John F. Coleman, Jr., Vice Chairman**  
**Wayne E. Gardner**  
**James H. Cawley**  
**Pamela A. Witmer**

Application of Willow Grove Yellow Cab Co., Inc.,  
t/d/b/a Bux-Mont Yellow Cab & t/d/b/a Bux-Mont  
Transportation Services Co., a corporation of the  
Commonwealth of Pennsylvania to amend and  
expand the right to transport, as a common carrier, by  
motor vehicle, persons, in paratransit operations SO  
AS TO PERMIT the transportation of persons in  
paratransit service, from points in the Townships of  
Abington, Cheltenham, Horsham, Lower Moreland,  
Upper Dublin, Upper Moreland, and the Boroughs of  
Ambler, Bryn Athyn, Hatboro, Jenkintown and  
Rockledge, as well as those portions of Lower  
Gwynedd Township east of Bethlehem Pike, those  
portions of Springfield and Whitemarsh Townships  
north of Stention Road, and that portion of Whitpain  
Township east of Mont Pleasant Road and north of  
Morris Road, all in Montgomery County; and in the  
Townships of Lower Southampton, Upper  
Southampton, Warminster, Warrington, Warwick.,  
and the Borough of Ivyland, all in Bucks County: to  
points in Bucks, Montgomery and Philadelphia  
Counties. and return.

A-00087075, F.5  
A-2009-2123552

## ORDER

### BY THE COMMISSION:

This matter comes before the Commission on an application filed August 3, 2009. Public notice of the application was given in the *Pennsylvania Bulletin* on August 22, 2009, with protests due to be filed by September 8, 2009. A timely Protest was filed by Germantown Cab Co. ("Germantown"), and MCT Transportation, Inc. t/d/b/a Concord Paratransit Co. ("MCT"). On September 17, 2009, the application was assigned to the Office of Administrative Law Judge (OALJ) for resolution of the protests. At the OALJ hearing held on August 31, 2011, the Protest by MCT was dismissed and the Protest by Germantown was noted as being withdrawn. On October 10, 2011, the now unopposed application was referred to the Commission's Bureau of Technical Utility Services for review and resolution pursuant to 52 Pa. Code §3.81(e). On November 8, 2011 the applicant provided verified statements and 22 statements of support from requested area.

### DISCUSSION AND FINDINGS

Willow Grove Yellow Cab Co., Inc., t/d/b/a Bux-Mont Yellow Cab & t/d/b/a Bux-Mont Transportation Services Co. ("Bux-Mont" or "Applicant") seeks the additional right to transport persons in paratransit service. The applicant's current facility is located at 726 Fitzwatertown Road, Willow Grove, Pennsylvania. Applicant is operating authorized Paratransit service from the facility. All records will be maintained at this facility and customer requests will be received in advance of the trip date at the administrative offices and will be scheduled for the corresponding shift and driver. Business hours will be provided 5:00 AM to 11:59 PM Monday to Thursday, 5:00 AM to 2:00 AM Friday and Saturday, and 6:00 AM to 9:00 PM on Sunday.

R. Samuel Valenza, Sr. is the Chief Executive Officer. The applicant has been in the Paratransit business since county-wide Paratransit authority was granted by the Commission in 1998.

Bux-Mont currently owns 101 vehicles to provide service which will provide ample capacity to meet the needs of the extended territory. The applicant is familiar with, and has initiated proper maintenance procedures for all vehicles, which conforms to all regulations of the PUC under 52 Pa. Code 29.403. Drivers must have a valid driver's license and the driver records are reviewed periodically for compliance and adherence to the rules of the company. All applicants provide samples for drug screening and are subject to random drug testing. Violation of the applicant's drug and alcohol policy will result in immediate discipline, up to and including, termination of employment.

Bux-Mont currently maintains motor vehicle liability insurance coverage. The addition of paratransit services will only be an additional service offered and will not affect their



present policies.

Applicant's most current balance sheet dated June 30, 2011, shows cash assets of \$644,876, total assets of \$1,071,899, and total liabilities of \$423,252. Applicant's total owner's equity is \$648,647. The applicant projects one year revenue of \$6,732,320, against total expenses of \$6,433,153, for a net profit of \$299,167.

The applicant has presented support in the form of statements containing the signatures and addresses of 22 parties residing in the expanded area.

A review of the record before us indicates that the applicant possesses the requisite vehicles, technical expertise, experience, equipment, facilities, sufficient capital and other resources necessary to provide the proposed service. The applicant has no negative compliance history with this Commission.

The application was under protest from Germantown Cab Co. ("Germantown"), and MCT Transportation, Inc. t/d/b/a Concord Paratransit Co. ("MCT"). The Protest by MCT was dismissed and the Protest by Germantown was noted as being withdrawn.

The applicant is hereby advised of its obligation to familiarize itself with the requirements of 52 Pa. Code as applicable to the operations of a common carrier as authorized by this Order. Applicant is further advised that failure to comply with all applicable requirements may subject the carrier to penalties including fines, suspension of operating rights or cancellation of its authority. Title 52 of the Pa. Code is available on line at [www.pacode.com](http://www.pacode.com).

**After complete review of the record, we find:**

1. Applicant seeks the initial right to expand the area in which to provide Paratransit service.
2. The protests were withdrawn or dismissed.
3. Applicant is supported by 22 parties in the additional requested operating area.
4. Applicant has the equipment, ability and fitness necessary to render the service as amended.
5. The evidence of record is sufficient to establish necessity for the service as amended.
6. Approval of the application is necessary for the accommodation and convenience of the public; **THEREFORE,**

**IT IS ORDERED:** That the application be and is hereby approved granting the following additional right:

To transport, as a common carrier, persons, in paratransit service, from points in the Townships of Abington, Cheltenham, Horsham, Lower Moreland, Upper Dublin, Upper Moreland, and the Boroughs of Ambler, Bryn Athyn, Hatboro, Jenkintown and Rockledge, as well as those portions of Lower Gwynedd Township east of Bethlehem Pike, those portions of Springfield and Whitemarsh Townships north of Stenton Road; and that portion of Whitpain Township east of Mont Pleasant Road and north of Morris Road, all in Montgomery County; and in the Townships of Lower Southampton, Upper Southampton, Warminster, Warrington, Warwick, and the Borough of Ivyland, all in Bucks County; to points in Bucks, Montgomery and Philadelphia Counties, and return.

**IT IS FURTHER ORDERED:** That the applicant shall not engage in any transportation authorized by this order until the applicant has received a certificate of public convenience from the Commission.

**IT IS FURTHER ORDERED:** That a certificate of public convenience shall not be issued until the following are submitted to the Commission and approved by the Commission:

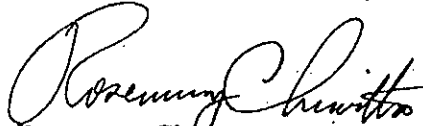
1. Form E, as evidence of bodily injury and property damage liability insurance.
2. An acceptable tariff establishing just and reasonable rates.

**IT IS FURTHER ORDERED:** That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

**IT IS FURTHER ORDERED:** That upon compliance with the requirements hereinbefore set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above-determined.

**IT IS FURTHER ORDERED:** That in the event said applicant has not, on or before sixty (60) days from the date of entry of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

**BY THE COMMISSION,**

  
Rosemary Chivetta  
Secretary

(SEAL)

**ORDER ADOPTED: January 12, 2012**

**ORDER ENTERED: January 13, 2012**

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held October 19, 1984

Commissioners Present:

Linda C. Tallafarro, Chairman  
Michael Johnson  
James H. Cawley  
Frank Fischl  
Bill Shane

A-00087075  
F. 5  
Am-A

Application of Willow Grove Yellow Cab Co., Inc.,\* a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, to transport, by motor vehicle persons in paratransit operations, between points in the townships of Upper Moreland and Horsham, Montgomery County, and between points in the township of Abington, Montgomery County, bounded and described as follows: Beginning at the intersection of Moreland Road and North Hills Avenue; thence from North Hills Avenue to Fitzwatertown Road; thence northwardly on Fitzwatertown Road to a line running along Patane Avenue as it would be extended westwardly; thence on the said line to Patane Avenue beginning at Lindburgh Avenue; thence on a line at Patane Avenue, which would be extended to the Reading Railroad to Glendale Avenue; thence on Glendale Avenue to Edgemoor Road; thence on Edgemoor Road to Moreland Road; thence on Moreland Road to North Hills Avenue, the place of beginning; and between points in the townships of Warminster, Warrington and Warwick, and the borough of Ivyland, all in the county of Bucks, subject to the following conditions: (1) That the service herein authorized is limited to transportation in vehicles having a seating capacity of no more than fifteen (15) persons, including the driver; (2) That no right, power or privilege is granted to render a scheduled or fixed route service in an area in which said service is provided by a certificated carrier; (3) That no right, power or privilege is granted to render group or party service as described in the Pennsylvania Code, Title 52, Paragraph 29.16;

\* Willow Grove Yellow Cab, Inc. assumed the fictitious name of Bux-Mont Yellow Cab, and any reference to the applicant hereinafter shall include said fictitious name.

and (4) That no right, power or privilege is granted to transport handicapped or wheelchair patients in vehicles with side-opening doors and ramps: SO AS TO PERMIT the transportation of persons in paratransit service, between points in the borough of Harboro, and the townships of Upper Moreland, Horsham and that part of Abington, bounded and described as follows: Beginning at the intersection of Moreland Road and North Hills Avenue; thence on North Hills Avenue to Fitzwacertown Road; thence northwardly on Fitzwacertown Road to a line running along Patane Avenue, as it would be extended westwardly; thence on the said line to Patane Avenue beginning at Lindburgh Avenue; thence on a line at Patane Avenue, which would be extended to the Reading Railroad to Glendale Avenue; thence on Glendale Avenue to Edgemoor Road; thence on Edgemoor Road to Moreland Road; thence on Moreland Road to North Hills Avenue, the place of beginning, all in the county of Montgomery, the borough of Ivyland, and the townships of Warminster, Warrington, Warwick, and that part of Upper Southampton described and bounded as follows: Beginning at the intersection of Davisville and Bristol Roads, thence east on Bristol Road to its intersection with Chinquapin Road, south on Chinquapin Road to its imaginary intersection with Scump Road (becoming Buck Road), south on Buck Road to its intersection with County Line Road, thence west on County Line Road to Davisville Road, thence north on Davisville Road to the point of its beginning, all in the county of Bucks.

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Somerson & Somze, P.C. by Val Plect Wilson for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed October 13, 1983. Public notice of the application was given in the Pennsylvania Bulletin of April 7, 1984. Additional public notice was given in the Times Herald, Montgomery County, and the Intelligencer, Bucks County, newspapers of general circulation within the area of application. No protests have been filed.

The application is unopposed and the record is certified to the Commission for its decision without an oral hearing. The record consists of verified statements submitted by the applicant and 16 supporting individuals.

#### DISCUSSION AND FINDINGS

The applicant, Willow Grove Yellow Cab Co., Inc., t/d/b/a Bur-Mont Yellow Cab, is a currently certificated common carrier, providing transportation as a paratransit carrier pursuant to a certificate of public convenience issued April 14, 1978. The applicant seeks by the instant application to expand its current operational area to include transportation between points in the borough of Harboro; and that part of Upper Southampton described and bounded as follows: Beginning at the intersection of Davisville and Bristol Roads, thence east on Bristol Road to its intersection with Chinquapin Road, south on Chinquapin Road to its imaginary intersection with Stump Road (becoming Buck Road), south on Buck Road to its intersection with County Line Road, thence west on County Line Road to Davisville Road, thence north on Davisville Road to point of beginning, all in the county of Bucks.

The applicant also seeks to eliminate the condition currently present in its operating authority that prevents the applicant from transporting handicapped or wheelchair patients in vehicles with side-opening doors and ramps, in its current authorized area of operation, which consists of the townships of Upper Moreland, Horsham and that part of Abington, bounded and described as beginning at the intersection of Moreland Road and North Hills Avenue; thence on North Hills Avenue to Fitzwaterstown Road; thence northwardly on Fitzwaterstown Road to a line running along Patane Avenue, as it would be extended westwardly; thence on the said line to Patane Avenue beginning at Lindbergh Avenue; thence on a line at Patane Avenue, which would be extended to the Reading Railroad to Glendale Avenue; thence on Glendale Avenue to Edgehill Road; thence on Edgehill Road to Moreland Road; thence on Moreland Road to North Hills Avenue, the place of beginning, all in Montgomery County; and the borough of Ivyland and the townships of Warrinster, Warrington and Warwick, Bucks County. The removal of the condition is prompted by the change in the regulations of the Pennsylvania Department of Transportation with regards to qualifying for its Reduced Fare Program for senior citizens.

In addition to begin a certificated paratransit carrier, the applicant also holds certificates of public convenience to provide call or demand service (Folder 2, 3, and 4) and to transport property in taxicabs (Folder 6). To provide the authorized service, the applicant operates 18 taxicabs, seven 14-passenger vans, one 12-passenger van and three 11-passenger vans with all equipment radio-dispatched.

The 16 statements of support entered demonstrate a need for service in the additional area of operation proposed by the instant application. The 16 individuals who have entered statements indicate that they intend to utilize the proposed service from as few as one time per week to as many as 12 times per week. The applicant will be relied upon for transportation to and from doctors' offices, social agencies, places of employment and shopping centers.

We find:

1. That the applicant is fit, willing and able to provide the proposed transportation.

2. That the applicant has demonstrated that there exists a public need for the proposed service.

3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, and that the certificate issued to the applicant on April 14, 1978, be amended so that the authority shall now read as follows:

To transport, as a common carrier, persons, in paratransit service, between points in the borough of Harboro, and the townships of Upper Moreland, Horsham and that part of Abington, bounded and described as follows:

Beginning at the intersection of Moreland Road and North Hills Avenue; thence on North Hills Avenue to Fitzwatertown Road; thence northwardly on Fitzwatertown Road to a line running along Patane Avenue, as it would be extended westwardly; thence on the said line to Patane Avenue beginning at Lindburgh Avenue; thence on a line at Patane Avenue, which would be extended to the Reading Railroad to Glendale Avenue; thence on Glendale Avenue to Edgehill Road; thence on Edgehill Road to Moreland Road; thence on Moreland Road to North Hills Avenue, the place of beginning, all in the county of Montgomery, the borough of Ivyland and the townships of Warminster, Warrington, Warwick, and that part of Upper Southampton described and bounded as follows: Beginning at the intersection of Davisville and Bristol Roads, thence east on Bristol Road to its intersection with Chinquapin Road, south on Chinquapin Road to its imaginary intersection with Stump Road (becoming Buck Road), south on Buck Road to its intersection with County Line Road.

thence west on County Line Road to Davisville Road, thence north on Davisville Road to the point of its beginning, all in the county of Bucks.

subject to the following conditions:

That the applicant shall comply with all rules and regulations as set forth in 52 Pa. Code §29.353 and §29.354.

That the service herein authorized shall be rendered without the use of dome lights or taximeters.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Public Utility Code and the rules and regulations of this Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That the certificates of public convenience issued to the applicant at Folders 1, 2, 3, 4, 5 and 6 be amended to stand in the name of Willow Grove Yellow Cab Co., Inc., c/d/b/a Bux-Mont Yellow Cab.

BY THE COMMISSION,

Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: October 19, 1984

ORDER ENTERED: JAN 22 1985



PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held January 16, 1997

Commissioners Present:

John M. Quain, Chairman  
Lisa Crutchfield, Vice-Chairman  
John Hanger  
David W. Rolka  
Robert K. Bloom

Application of Norristown Transportation Company, a corporation of the Commonwealth of Pennsylvania, for the additional right, to transport as a common carrier by motor vehicle, persons in paratransit service, between points in the borough of Norristown, and within an airline distance of five (5) statute miles of the limits of said borough and the township of Whitemarsh, all in Montgomery County.

A-00106639  
F. 4

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Raymond A. Thistle, Jr. for the applicant.  
Thomas, Thomas, Armstrong & Niesen by Patricia Armstrong  
for protestant, Krapf's Coaches, Inc.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed March 22, 1996. Public notice of the application was given in the Pennsylvania Bulletin of April 27, 1996. A single protest was received by the above-mentioned carrier. The now unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and six supporting parties.

Nicholas Chermela, general manager of Norristown Transportation Company (applicant or Norristown Trans) is authorized to make this statement on behalf of the applicant. Chermela has been employed by applicant for twenty (20) years and is familiar with all phases of applicant's operations. The sole shareholder of applicant is Frank Smith. Frank Smith owns 100% of the common capital stock of applicant and also owns 100% of the common capital stock of Norristown Yellow Cab Co., Inc. at

Docket No. A-00013766 and Conshohocken Yellow Cab, Inc. at Docket No. A-00100317. Applicant presently holds authority for call or demand service and parcels and packages and blood in taxicabs. Norristown Trans presently has no paratransit authority and, therefore, no duplicating authority or dual operations will result from the grant of the instant application.

Norristown Trans will operate from 109 Water Street, in the borough of Norristown. The two-story building at this location will provide ample parking for 20 vehicles and there is a bay section with three lifts for three mechanics for maintenance and repairs. There are seven offices, each equipped with telephones and intercoms. A dispatcher's office with radio equipment to communicate with all vehicles is in the front of the building. Across the street is another small building with parking for approximately 25 more vehicles. Applicant will commence operations utilizing 15-passenger vans owned by VIS Leasing, Inc. - - the stock of which is held by Virginia Smith, the wife of Frank Smith. The vehicles are available to applicant upon approval of this application by either lease or transfer. A comprehensive safety and maintenance program is in effect.

Carol Wiesinger (supporting party or Wiesinger) is the mother and natural guardian of her daughter, Katy Wiesinger, and makes arrangements for paratransit service on her daughter's behalf. The frequency of intended use is on a daily basis during the school year and on a daily basis for the camp program during the summer recess. The point of origin is from the residence located at 3215 Polik Road, East Norriton Township, Montgomery County. Destination points include the Eisenhower School in the borough of Norristown and Camp Can Do on Forty Foot Road, Worcester Township, Montgomery County, and return.

Mary Ruch (supporting party or Ruch) is an individual requiring paratransit service from her home located at No. 1 Ward, Third Avenue, borough of Conshohocken, Montgomery County to the senior citizens center located in the borough of Norristown, Montgomery County, and return. Supporting party requires service from her home to the senior citizens center on a daily basis except for Saturdays and Sundays, and return.

Mildred Wilde (supporting party or Wilde) is an individual residing at 129 Oaklyn Avenue, Lower Providence Township, Montgomery County. Wilde is a handicapped person requiring paratransit service approximately two to four times a month for the past six months and intends to use Norristown Trans for the same amount of service. Transportation is required from her home with destination points at doctor's office located at 1411 Powell Street, Norristown; dinner out at 21 Hilltop Street, East Norriton Township and shopping at K-Mart in Lower Providence Township, and return to her home.

Danielle Eberhardt, assistant manager of Manor Care Health Services (supporting shipper or Manor Care) is authorized by Rhonda Nelson, activities director, to make this statement on behalf of the supporting witness. The supporting party is a health care provider and nursing home seeking paratransit transportation to meet its needs to serve its residents, some of whom are handicapped. It is anticipated that the supporting party will use the applicant's service on a basis of at least once every two weeks with the number of persons each trip averaging four to five. The origin point for the transportation is Manor Care located at 600 West Valley Forge Road, Upper Merion Township, Montgomery County. The destination points are the Country Buffet located in East Norriton Township and Valley Forge Park located in Upper Merion Township, Montgomery County, and return.

Sally Schmidt is a registered nurse and the primary nurse for the care of Judge Frederick B. Smillie residing at 1630 Sandyhill Road, Norristown, Montgomery County. Nurse Schmidt is in charge of arranging for the outings of the judge and, by reason of her duties and authority, is authorized to make this statement in support of the application. The judge requires transportation at least once every week and has used paratransit service for the past five years. The origin would be his residence as noted above and destination points of these trips are to the doctors at Montgomery County Hospital, Norristown, Plymouth Meeting Mall, Plymouth Township and King of Prussia Plaza, Upper Merion Township, all in Montgomery County, and return.

---Patricia Moir, executive director of Suburban Transit Network, Inc. (supporting party or Trans Net) located at 980 Harvest Drive, Suite 100, Whitpain Township, Montgomery County, is authorized to present this verified statement in support of the application. The primary function of Trans Net is a health care provider of transportation services; however, it does coordinate corporate transportation service as well. Trans Net is the PennDOT coordinator for Montgomery County and is also a Pa. P.U.C.-licensed passenger broker that also coordinates the transportation of persons in paratransit service in Montgomery County. It is Trans Net's intent to utilize applicant's paratransit service within the scope of the territory sought as amended, for approximately twenty-one thousand (21,000) trips with return transportation required, per month, each month of the year. The supporting party has an existing and continuous need for paratransit service.

The following is a list of origin points, almost every trip is on a return basis, destination points, the type of facility, medical or corporate or individual involved. The listing is a sampling of past, present and future paratransit needs of Trans Net. Support is for transportation between points

in the borough of Norristown and within an airline distance of five (5) statute miles of the limits of said borough and the township of Whitemarsh, Montgomery County.

Service originating in the borough of Norristown will involve service from individual's home, nursing home, hospital and doctor's office and destinations will include doctor's office, hospital, individual's home, mental health centers, nursing home, other medical facility, rehabilitation centers, senior centers, shopping centers/grocery stores, special education students and vocational training centers - handicapped. Paratransit service is required from the borough of Bridgeport from individual's homes to individual homes, special education students and to doctor's office. Paratransit service from the borough of Conshohocken is from the individual's home to destinations that include nursing home, individual's home, special education students, doctor's office, other medical facility, and shopping centers/grocery stores.

Paratransit service from East Norriton Township will include service from individual's home to hospital, nursing home, individual's home, special education students, doctor's office, other medical facility and shopping centers/grocery stores. Paratransit service from Lower Merion Township will include individual's home to individual's home and doctor's office. Paratransit service from Lower Providence Township will include an individual's home to destinations including individual's home, mental health centers, doctor's office, nursing home and special education students. Transportation from Plymouth Township will include individual's home and shopping centers/grocery stores to destinations including individual's home, special education students, shopping centers/grocery stores, senior citizens and nursing home. Transportation from Upper Merion Township will include individual's home and shopping centers/grocery stores; destinations to include individual's home, doctor's office, shopping centers/grocery stores, rehabilitation centers, other medical facilities and include special education students.

Transportation from West Conshohocken Borough will include individual's home to individual's home. Transportation from West Norriton Township will include individual's home; destinations to include individual's home, shopping centers/grocery stores, doctor's office, special education students and nursing home. Transportation from Whitpain Township will include individual's home; destinations to include individual's home, doctor's office, hospital and special education students. Transportation from Worcester Township will include individual's home; destinations to include individual's home, doctor's office, vocational training centers for handicapped and special education students.

## DISCUSSION AND FINDINGS

Norristown Transportation Company is a common carrier currently certificated by this Commission to transport persons upon call or demand, parcels and packages, blood and blood products and medicine in taxicabs. Norristown seeks the additional right to transport persons in paratransit service between points in the borough of Norristown, and within an airline distance of five (5) statute miles of the limits of said borough, and the township of Whitemarsh, all in Montgomery County. The application was opposed by a single carrier which withdrew upon restrictive amendment excluding the right to provide transportation to, from or between points in Chester County.

The territory encompassed within an airline distance of five (5) statute miles of the borough of Norristown includes the following boroughs and townships within Montgomery County: the boroughs of West Conshohocken, Conshohocken and Bridgeport and the townships of Whitemarsh, Norriton, Plymouth, Worcester, Lower Providence, West Norriton, Upper Merion, Whitpain and Lower Merion.

Falling within five statute miles of the limits of Norristown are fringe areas of other townships in Montgomery County. Also included within five statute miles of the borough of Norristown is a small portion of Chester County. The application has been amended to exclude transportation to, from and between points in Chester County.

The area of application as amended has been supported by four (4) individuals, one (1) nursing care facility and one (1) Montgomery County coordinator that proposes to tender applicant approximately twenty-one (21,000) paratransit trips on a return basis. We find that the application has been amply supported by the parties.

We find that:

1. Applicant currently operates pursuant to common carrier certificates issued by this Commission in 1986.
2. The application was opposed and the protest was withdrawn upon restrictive amendment.
3. Six supporting parties have demonstrated a need for the service as amended.
4. The applicant has the necessary equipment, experience and fitness necessary to render the amended service.

5. The evidence of record establishes the necessity for the service.

6. The name of the applicant herein has been corrected to reflect its correct name.

7. The applicant has established that approval of the application, as amended, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, as amended, and that a certificate be issued to include the following right:

To transport, as a common carrier by motor vehicle, persons in paratransit service, between points in the borough of Norristown, and within an airline distance of five (5) statute miles of the limits of said borough, and between points in the township of Whitmarsh, all in Montgomery County;

subject to the following condition:

Provided that no right, power or privilege is granted to perform transportation to, from or between points in Chester County.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation in this application until the following is submitted to the Commission:

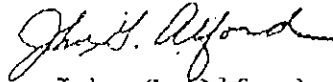
1. A tariff establishing just and reasonable rates.
2. The 1996 assessment.

IT IS FURTHER ORDERED: That the authority granted herein to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with the requirements hereinbefore set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above-determined.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: January 16, 1997

ORDER ENTERED: JAN 22 1997

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held May 9, 1996

Commissioners Present:

John M. Quain, Chairman  
Lisa Crutchfield, Vice-Chairman  
John Hanger  
David W. Rolka  
Robert K. Bloom

Application of Tri County Transit Service, Inc., a corporation of the Commonwealth of Pennsylvania, for the transfer of all of the operating rights of Tri County Taxi Company, a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00099550, F. 3, subject to the same limitations and conditions.

A-00112825  
F. 2

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Thomas M. Keenan for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed February 13, 1996. Public notice of the application was given in the Pennsylvania Bulletin of March 9, 1996. The unopposed application is certified to the Commission for its decision without oral hearing.

Tri County Transit Service, Inc. (Tri County or applicant), is a Pennsylvania corporation, with its principal place of business at 826 North Lewis Road, Limerick, Montgomery County. Clifford Kingsley is the sole shareholder and president of the applicant. He has over twenty-five years of experience operating another taxicab company. As evidence of its financial capacity to begin operations as a common carrier, Tri County reports assets of \$414,449, with liabilities of \$346,475, leaving a shareholder's equity of \$67,973. The applicant is purchasing part of the call or demand rights (Folder 1) and all of the paratransit rights (Folder 2) of Tri County Taxi Company (transferor). There will be no overlap from the rights sold and the rights retained.



The total consideration for the rights and other assets, including equipment is \$180,000. The rights have been assigned a value of \$1.00. At the closing, after approval of the transfer application, the buyer will pay \$75,000 and execute a six-year, six percent, promissory note for the balance of \$105,000.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing need, which may be overcome only by evidence to the contrary. In re: Bverly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.

2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public;  
THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following right:

To transport, as a common carrier by motor vehicle, persons in paratransit service between points in the borough of Pottstown,

Montgomery County, and within an airline distance of fifteen  
(15) statute miles of the limits of said borough;

subject to the following general conditions:

1. That the operating authority granted herein, or now held, or subsequently granted to the applicant to the extent that it is duplicative, shall not be construed as conferring more than one operating right.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
3. That the applicant record in its Utility Account 1321 - Franchises, the actual cost of such rights recorded by the original holder thereof.
4. That the utility accounts of the transferee shall reflect the same book values for all utility property acquired as shown in the records of the transferor at the effective date of the transfer, any previously recorded depreciation having been deleted therefrom.

5. That the applicant charge to Account 1341 - Other Intangible Property, any amount of the consideration paid for the rights and going concern value attributable thereto in excess of the amounts recorded under condition(s) 3 and 4 above.

6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(a)(3) of Title 66, PA C.S.A.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application until the following is submitted to the Commission:

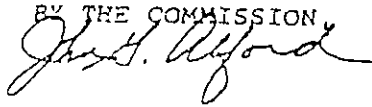
1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. A tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with this order, the rights granted the transferor, Tri County Taxi Company at A-00099550, P. 3, be cancelled pursuant to the supplemental order.

BY THE COMMISSION



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: May 9, 1996

ORDER ENTERED: MAY 13 1996

PENNSYLVANIA  
~~PUBLIC UTILITY COMMISSION~~  
Harrisburg, PA 17105-3265

Public Meeting held March 16, 2000

Commissioners Present:

Robert K. Bloom, Vice Chairman  
Nora Mead Brownell  
Aaron Wilson, Jr.  
Terrance J. Fitzpatrick

Application of Bucks County Transport, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, persons, in paratransit service, between points in the county of Bucks, and from points in said county, to points in the counties of Northampton, Lehigh, Montgomery and Philadelphia, and return; subject to the following condition: That any service provided under the authority granted herein shall be rendered in vehicles having a seating capacity of twenty-nine (29) passengers or less, excluding the driver: SO AS TO PERMIT the transportation of persons, in paratransit service, between points in the county of Bucks, and from points in said county, to points in the counties of Northampton, Lehigh, Montgomery and Philadelphia, and vice versa; subject to the following condition: That any service provided under the authority granted herein shall be provided in vehicles having a seating capacity of twenty-eight (28) passengers or less, excluding the driver.

A-00107294  
F. 2  
Am-C

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Caldwell & Kearns by James D. Campbell, Jr. for the applicant.  
Raymond A. Thistle, Jr., for protestants, Suburban Transit Network, Inc. and Willow Grove Yellow Cab Co., Inc., t/d/b/a Bux-Mont Yellow Cab and Bux-Mont Transportation Services Co.

\_\_\_\_\_  
O R D E R

**BY THE COMMISSION:**

~~This matter comes before the Commission on an application filed~~  
August 23, 1999. Public notice of the application was given in the Pennsylvania Bulletin of October 9, 1999. Protests were filed by Suburban Transit Network, Inc. and Willow Grove Yellow Cab Co., Inc., t/d/b/a Bux-Mont Yellow Cab and Bux-Mont Transportation Services Co.

Both protests were withdrawn upon restrictive amendment that no right is granted to originate service in the county of Montgomery.

The now unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and nine (9) parties in support.

**DISCUSSION AND FINDINGS:**

Applicant currently provides paratransit service between points in the county of Bucks, and from points in said county, to points in the counties of Northampton, Lehigh, Montgomery and Philadelphia; provided that the service shall be rendered in vehicles seating twenty-nine (29) passengers or less, excluding the driver. Applicant now seeks only to permit *vice versa* service from points in counties that it may already serve. Nine (9) verified statements were presented representing a need for the vice versa authority.

In circumstances where there is a duplication of rights in that the right to be amended is completely encompassed in the right to be issued, the Commission can eliminate the right being amended. In this situation the right to be amended, is conditioned that the service shall be rendered in vehicles having a seating capacity of twenty-nine (29) passengers or less, excluding the driver. The proposed amendment herein is limited that any service shall be provided in vehicles having a seating capacity of twenty-eight (28) passengers or less, excluding the driver. Elimination of the amended right at first did not seem justified. In a telephone conversation of February 10, 2000, with Vincent J. Volpe, Executive Director of applicant, reveals that applicant does not operate any twenty-nine (29) passenger vehicles. Therefore, elimination of the right to be amended presents no problem.

After complete review of the record, we find:

1. Applicant currently holds authority to transport persons in paratransit service.
2. Applicant seeks to amend its authority and two (2) carriers protested the application.

3. Both protests were withdrawn upon restrictive amendment, as set forth supra.

~~4. The applicant has the equipment, experience, ability and fitness necessary to render the service, as amended.~~

5. Nine (9) parties support the application for vice versa service.

6. The evidence of record is sufficient to establish necessity for the service, as amended.

7. Approval of the application, as amended, is necessary for the accommodation and convenience of the public; **THEREFORE,**

**IT IS ORDERED:** That the right issued under order adopted February 22, 1990, and entered March 1, 1990, shall be amended to read as follows:

To transport, as a common carrier, persons, in paratransit service, between points in the county of Bucks, and from points in said county, to points in the counties of Northampton, Lehigh, Montgomery and Philadelphia, and vice versa;

subject to the following conditions:

(1) That any service provided under the authority granted herein shall be, provided in vehicles having a seating capacity of twenty-eight (28) passengers or less, excluding the driver.

(2) That no right, power of privilege is granted to originate service from points in the county of Montgomery.

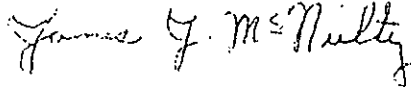
**IT IS FURTHER ORDERED:** That the applicant shall not engage in any transportation authorized by this order until the following is submitted to the Commission:

1. A tariff establishing just and reasonable rates.

**IT IS FURTHER ORDERED:** That the authority granted herein to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



James J. McNulty  
Secretary

(SEAL)

ORDER ADOPTED: March 16, 2000

ORDER ENTERED: **MAR 17 2000**



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 Barnett Satinsky  
 FoxRothschild  
 2000 Market Street

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Philadelphia, PA 19103

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Rosemary Chiavetta, Secretary  
 PA Public Utility Commission  
 400 North St

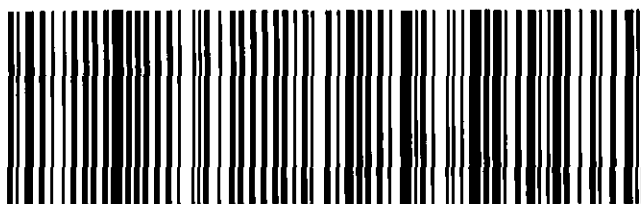
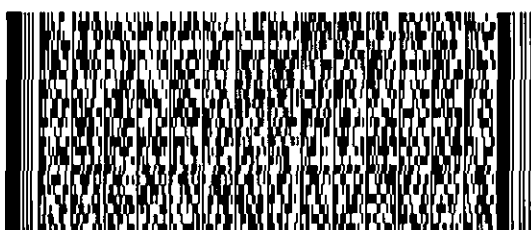
Harrisburg, PA 17120

Ref # 087992.00009-0066  
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2. Place the label in a waybill pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.
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