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Law Offices

## **VUONO & GRAY, LLC**

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August 23, 2017

Re: Safe Transportation Group, LLC  
t/a Prime on Time  
t/a Corporate Express Cab  
Advanced Notice of Proposed Rulemaking  
Docket No. L-2017-2604692  
Our File 5814

RECEIVED  
2017 AUG 25 AM 10:39  
PA PUC  
SECRETARY'S BUREAU

Ms. Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
Bureau of Safety & Compliance  
Tariff Section, P. O. Box 3265  
Harrisburg, PA 17105-3265

**MAILED WITH U.S. POSTAL SERVICE**  
**CERTIFICATE OF MAILING FORM 3817**

Dear Ms. Chiavetta:

We enclose for filing with the Commission the signed original of the Comments of Safe Transportation Group, LLC in opposition to the Advanced Notice of Proposed Rulemaking at Docket No. L-2017-2604692.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed, stamped envelope provided.

Very truly yours,

VUONO & GRAY, LLC

  
William A. Gray

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Enclosure  
cc Safe Transportation Group, LLC

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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RE:   ADVANCED NOTICE OF PROPOSED RULEMAKING

DOCKET NO. L-2017-2604692

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COMMENTS OF KATHLEEN RUBRIGHT  
ON BEHALF OF  
SAFE TRANSPORTATION GROUP, LLC  
T/A PRIME ON TIME  
T/A CORPORATE EXPRESS CAB  
IN OPPOSITION TO PROPOSAL IN  
ADVANCED NOTICE OF  
PROPOSED RULEMAKING

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The Commission published in the Pennsylvania Bulletin dated July 1, 2017, an Advanced Notice of Proposed Rulemaking to consider revisions of the regulations appearing in Title 52 of the Pennsylvania Code, relating to the Commission's rules governing the passenger and property carrier industries. Safe Transportation Group, LLC ("Safe Transportation") objects to the proposal to allow applicants to operate while an application for permanent authority to which a protest has been filed is processed to a conclusion.

The business address of Safe Transportation is 1000 Integrity Drive, Suite 350, Pittsburgh, PA 15235. Safe Transportation has authority at Docket No. A-6417792 authorizing it to provide paratransit and group and party service. In addition, it has a pending unopposed application which, if granted, will authorize it to provide call or demand service. Safe Transportation has provided service under its PUC authority on a regular, continuing basis since it was first certificated in 2015.

The Advanced Notice includes a section entitled “Granting of Provisional Authority”, which states:

Commission regulations currently provide for Emergency Authority and Emergency Temporary Authority. 52 Pa Code §§ 3.383—3.385. We question whether the procedure for granting these types of authorities should be revised to allow applicants to operate while an application for permanent authority is processed due to protests.

As will be discussed below, Safe Transportation believes that the Commission should not allow applicants to operate while their applications for permanent authority are being processed.

Although the requirement to demonstrate public demand or need for service has been eliminated, motor passenger carriers can still file protests to applications based upon the fitness issue, which requires an applicant to demonstrate that it possesses the technical and financial ability to provide the proposed service and which further provides that authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally. If a protestant opposes an application on the basis of fitness, the Commission should not permit the applicant to begin providing lawful service while the application is pending. If the Commission adopts this procedure, it will have a chilling effect on carriers opposing applications where there is a legitimate fitness issue since the applicant can operate while the application is pending and can base its fitness arguments on its operations after it filed its application. Safe Transportation has no objection to changing the procedure to allow applicants to operate while an application for permanent authority is processed where there are no protests filed to the application. However, the procedure should not be changed where there are protests filed to the application.

For the above reasons, Safe Transportation opposes the proposed change set forth in the Pennsylvania Bulletin dated July 1, 2017, which would allow applicants to operate while their applications for permanent authority are being processed where protests have been filed to the application.

Respectfully submitted,

VUONO & GRAY, LLC

By: 

William A. Gray, Esq.

Attorneys for

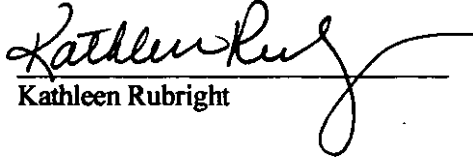
Safe Transportation Group, LLC

VUONO & GRAY, LLC  
310 Grant Street, Suite 2310  
Pittsburgh, PA 15219  
412-471-1800

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VERIFICATION

I verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

  
Kathleen Rubright

Dated: 8/22/17

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From: Vuono & Gray, LLC  
310 Grant Street, Suite 2310  
Pittsburgh PA 15219-2383  
Re: \_\_\_\_\_

To: Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265



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**TO:**

Ms. Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
Bureau of Safety & Compliance  
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