

October 9, 2012

Via Hand Delivery

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

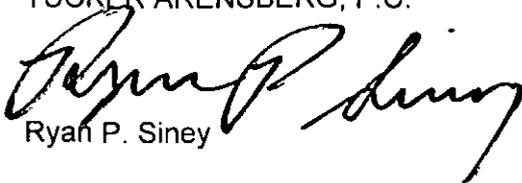
Re: Williamsport Area Ambulance Service v. Trust Ambulance, Inc.  
No. C-2012-2325470  
Our File No. 028236-157460

Dear Secretary Chiavetta:

Enclosed are an original and three copies of Trust Ambulance, Inc.'s Preliminary Objections to Complaint in the above-referenced action. Please file the original and return two date-stamped copies to the undersigned in the enclosed self-addressed stamped envelope. Thank you.

Very truly yours,

TUCKER ARENSBERG, P.C.



Ryan P. Siney

RPS/smo  
Enclosure

cc: Williamsport Area Ambulance Service (w/encl.)  
Christine M. Mellott, Esquire (w/encl.)(via email)  
Chief Administrative Law Judge (w/encl.)  
Trust Ambulance, Inc. (w/encl.)(via email)

HBGDB:130375-1 028236-157460

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**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

WILLIAMSPORT AREA AMBULANCE SERVICE	:	
	:	
Complainant	:	
	:	
v.	:	Complaint Docket
	:	No. C-2012-2325470
	:	
TRUST AMBULANCE, INC.	:	
Respondent	:	

**NOTICE TO PLEAD**

TO: Williamsport Area Ambulance Service  
700 High Street  
Williamsport, PA 17701

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SECRETARY'S BUREAU

The attached Preliminary Objections of Trust Ambulance, Inc. has been filed with the Pennsylvania Public Utility Commission in the above-captioned proceeding. You are hereby notified that, pursuant to 52 Pa. Code §§5.61 and 5.101, you have ten (10) days from the date of service of the enclosed Preliminary Objections within which to file an Answer. If you do not file an Answer, judgment may be entered against you. Your Answer should be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served on the undersigned counsel for Trust Ambulance, Inc.

Date: October 9, 2012

TUCKER ARENSBERG, P.C.

By   
Ryan P. Siney, ID #209190  
2 Lemoyne Drive, Suite 200  
Lemoyne, PA 17043  
(717) 234-4121  
*Attorney for Respondent*



4. Finally, the Complaint alleges that Trust “offer[ed] two different tariff rates to clients, which is also a violation.” Complaint at ¶3.

5. For the reasons set forth below, Trust’s Preliminary Objections must be sustained because Williamsport’s Complaint: (a) is insufficiently specific; (b) is legally insufficient; and (c) fails to conform to the requirements of 52 Pa. Code §5.22.

6. A preliminary objection must be sustained if a complaint is insufficiently specific. 52 Pa. Code §5.101(a)(3).

7. Here, Williamsport’s Complaint lacks the specificity required for Trust to determine the legal and factual basis for Williamsport’s claims so that Trust can prepare a defense to those claims.

8. Williamsport’s unsupported allegation that Trust “provided paratransit service” is a legal conclusion, made without the benefit of citation to the statute or regulation alleged to have been violated, and without allegations specifying what actions by Trust are alleged to constitute a violation of statute or regulation.

9. The Complaint does not specify the origination or destination of the alleged paratransit service, the identity of the customer or the type of vehicle (ambulance, wheelchair van, etc.) allegedly used by Trust to provide paratransit service.

10. The Complaint does not specify what statute, regulation or order Trust is alleged to have violated.

11. Williamsport fails to specify the rate alleged to have been paid to Trust, the date of the payment or the transport provided in exchange for the payment.

12. The Complaint does not include a copy of the “formal contract” upon which Williamsport’s claims are based, and does not specify the material terms of that alleged contract.

13. The Complaint’s lack of specificity leaves Trust unable to determine the basis of Williamsport’s Complaint and to prepare a defense to those claims.

14. For the same reasons that the Complaint is insufficiently specific, Trust’s Preliminary Objections should be granted because the Complaint also is legally insufficient. *See* 52 Pa. Code 5.101(a)(4).

15. Accepting Williamsport’s allegation that Trust “provided paratransit service” as true, nothing in the Complaint further specifies that such service is within the Commission’s jurisdiction or is a violation of statute, regulation or order.

16. Importantly, merely transporting a patient for Manor Care Health Services is not, on its face, a violation of any statute or regulation if it falls within the Commission’s policy statement regarding transportation of persons to or from medical locations by paratransit operations utilizing specialized equipment. *See* 52 Pa. Code §41.11.

17. Williamsport’s Complaint fails to specify whether Trust’s alleged paratransit service is within the Commission’s jurisdiction or outside the scope of the policy statement at 52 Pa. Code §41.11.

18. Williamsport’s Complaint alleges no facts inconsistent with service provided in reliance on the Commission’s policy statement at 52 Pa. Code §41.11.

19. Additionally, Williamsport's claims are based on a purported contract between Trust and Manor Care Health Services, yet Williamsport does not allege how that contract (if it exists) is a violation of statute or regulation.

20. Accordingly, without additional allegations by Williamsport as to what statute or regulation Trust is alleged to have violated, and what actions by Trust were taken in violation of such statute or regulation, the Complaint is legally insufficient to state a claim upon which relief can be granted.

21. A preliminary objection must be sustained in the complainant's complaint fails to conform to the requirements of 52 Pa. Code Chapter 5. 52 Pa. Code §5.101(a)(2).

22. 52 Pa. Code §5.22 requires a complaint to include the interest of the complainant in the subject matter, and further requires the complainant to attach a copy of a document on which the claim is based.

23. In this case, Williamsport's Complaint fails to comply with 52 Pa. Code §5.22(a)(4) because the Complaint does not state Williamsport's interest in the subject matter.

24. Williamsport's Complaint further fails to comply with 52 Pa. Code §5.22(a)(7) because Williamsport's claim is apparently based on a "formal contract" between Trust and Manor Care Health Services (Complaint at ¶2), but Williamsport does not attach a copy of the alleged "formal contract" and does not allege the document is not accessible and set forth the substance of the document.

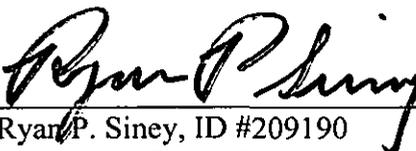
25. For all of the above reasons, Trust's Preliminary Objections pursuant to 52 Pa.Code §5.101(a)(2), (3) and (4) must be sustained.

WHEREFORE, Trust Ambulance, Inc. respectfully requests that the Commission grant these Preliminary Objections and dismiss the Complaint of Williamsport Area Ambulance Service or require Williamsport Area Ambulance Service to file a more specific and legally sufficient pleading which conforms to the requirements of 52 Pa. Code §5.22, and grant such other relief as the Commission deems is appropriate.

Respectfully submitted,

Date: October 9, 2012

TUCKER ARENSBERG, P.C.

By:   
Ryan P. Siney, ID #209190  
2 Lemoyne Drive, Suite 200  
Lemoyne, PA 17043  
(717) 234-4121  
*Attorney for Respondent*

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

WILLIAMSPORT AREA AMBULANCE SERVICE	:	
	:	
Complainant	:	
	:	
v.	:	Complaint Docket
	:	No. C-2012-2325470
	:	
TRUST AMBULANCE, INC.	:	
Respondent	:	

**CERTIFICATE OF SERVICE**

I hereby certify that I have on this date served a copy of Trust Ambulance, Inc's Preliminary Objections to Complaint upon the persons listed below via first class mail, postage prepaid, in accordance with the provisions of 52 Pa. Code § 1.54;

Chief Administrative Law Judge  
Office of Administrative Law Judge  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105

Christina M. Mellott, Esquire  
Page, Wolfberg, & Wirth, LLC  
5010 East Trindle Road, Suite 202  
Mechanicsburg, PA 17050

Williamsport Area Ambulance Service  
700 High Street  
Williamsport, PA 17701

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