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February 13, 2013

VIA ELECTRONIC FILING

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

Re: Application of La Mexicana Express Service, LLC;
Docket No. A-2012-2329717

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Protest and Request for Oral Hearing of the Protestant, Kutztown Area Transport Service, Inc. regarding the above-referenced Application. As evidenced by the attached Certificate of Service, this filing has been served on the Applicant pursuant to the Commission's rules and within the required time frame. Please let us know if you have any questions regarding this matter.

Very truly yours,



Christina M. Mellott
for PAGE, WOLFBERG & WIRTH, LLC

CMM:ms
Enclosure

cc: La Mexicana Express Service, LLC
Kutztown Area Transport Service, Inc.

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: APPLICATION OF	:	
LA MEXICANA EXPRESS	:	Docket No. A-2012-2329717
SERVICE, LLC	:	

PROTEST AND REQUEST FOR ORAL HEARING

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier, Kutztown Area Transport Service, Inc. (hereinafter referred to as "Protestant"), protests the above Application and requests that the Application be assigned for oral hearing and in support thereof respectfully represent as follows:

1. By this Application, notice of which was published in the Pennsylvania Bulletin on February 2, 2013, La Mexicana Express Service, LLC ("Applicant") seeks authority as set forth in Appendix A.
2. The name, address and telephone number of counsel for the Protestant set forth in this Application is:

Christina Mellott, Esq.
PAGE, WOLFBERG & WIRTH, LLC
5010 East Trindle Road, Suite 202
Mechanicsburg, PA 17050
(717) 691-0100
3. The name, address and telephone number of the Protestant is:

Kutztown Area Transport Service, Inc.
87 South Kemp Road
Kutztown, PA 19530
(610) 683-3012
4. Protestant, Kutztown Area Transport Service, Inc. holds authority from the Commission at Docket Number A-6411525 under two separate Certificates of Public Convenience.

5. The First Certificate of Public Convenience held by Kutztown Area Transport Service, Inc at Docket No. A-6411525 grants Kutztown Area Transport Service, Inc. authority as follows:

To transport persons in paratransit service from points in the counties of Berks, Lehigh, Bucks, Montgomery, Carbon, Schuylkill, Lebanon and Dauphin, to points in Pennsylvania, and return.

Subject to the following condition:

Provided that service originating in Bucks and Montgomery Counties: (1) shall be provided in vehicles with wheelchair lifts or which have been modified to accommodate passengers in wheelchairs or on stretchers or which have other special equipment to accommodate passengers with disabilities or other medical conditions; and all of which vehicles are staffed with either (i) an attendant besides the driver or (ii) an emergency medical services provider certified by the Pennsylvania Department of Health; and (2) shall be transportation originating at or destined to the facilities of Lehigh Valley Health Network, St. Luke's Hospital, Grandview Hospital, Pottstown Memorial Hospital or Manor Care – Pottstown.

A true and correct copy of Protestant, Kutztown Area Transport Service, Inc.'s first Certificate of Public Convenience evidencing the authority set forth in this Paragraph 5 is attached hereto as Appendix B

6. The Second Certificate of Public Convenience held by Kutztown Area Transport Service, Inc at Docket No. A-6411525 grants Kutztown Area Transport Service, Inc. authority as follows:

To transport, as a common carrier, persons in paratransit service, between points in the counties of Montgomery, Chester and Berks, and the city and county of Philadelphia, and from points in said city and counties, to points in Pennsylvania, and return; Subject to the following condition: That such transport is limited to persons that require medical monitoring.

A true and correct copy of Protestant, Kutztown Area Transport Service, Inc.'s Certificate of Public Convenience evidencing the authority set forth in Paragraph this Paragraph 6 is attached hereto as Appendix C.

7. Approval of this Application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since: (a) the Protestant presently holds authority to provide service in the area affected by the Application prior to any resolution of the Application; (b) the Protestant and other existing carriers are providing adequate service to the public in the areas involved in the Application; (c) there is no need for the service proposed by the Applicant and approval of the Application will result in the diversion from existing carriers of revenue necessary to sustain their existing operations; and (d) approval of the Application will adversely affect the Protestant and other existing carriers which have a substantial investment in facilities and equipment and are willing and able to provide service in the Application area.

8. The Protestant requests that the Application be set for oral hearing and that the Applicant be required to prove by competent evidence the elements of proof required by statute and regulation. If an oral hearing is held, the Protestant will appear and present evidence of the Protestant's own operations and particular interests unless this Application is amended so as to eliminate those interests as set forth in this Protest.

9. Pursuant to Section 333(c) of the Public Utility Code (66 Pa. C.S.A. § 333(c)), the Protestant hereby requests at list of witnesses expected to testify in the above-titled proceeding, together with the subject matter of their anticipated

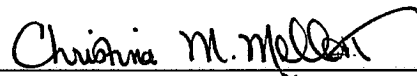
testimony, and, in particular, any complaints or any evidence pertaining to the service of the Protestant.

10. The Protestant knows of no amendments that would satisfy its interests in this proceeding short of eliminating the Protestant's interests as set forth in this Protest.

WHEREFORE, the Protestant, Kutztown Area Transport Service, Inc. requests that the granting of the Application be withheld; the proceeding be assigned for oral hearing with leave to the Protestant to participate fully therein, with leave to the Protestant to participate fully therein; and that the Applicant be required to make available at any hearing competent witnesses for examination on all material and relevant facts bearing on the Application.

Respectfully submitted,

Dated: February 13, 2013



Christina M. Mellott, Esquire
Attorney I.D. No. 81369
PAGE, WOLFBERG & WIRTH, LLC
5010 East Trindle Road, Suite 202
Mechanicsburg, PA 17050
(717) 691-0100; (717) 691-1226 (fax)

Counsel for Protestant, Kutztown Area
Transport Service, Inc.

APPENDIX A

A-2012-2329717. La Mexicana Express Service, LLC (1044 Union Street, Reading, PA 19604) for the right to begin to transport, as a common carrier, by motor vehicle, persons, from point to point within Berks County.

**PENNSYLVANIA BULLETIN
VOLUME 43, NUMBER 5
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APPENDIX A

APPENDIX B

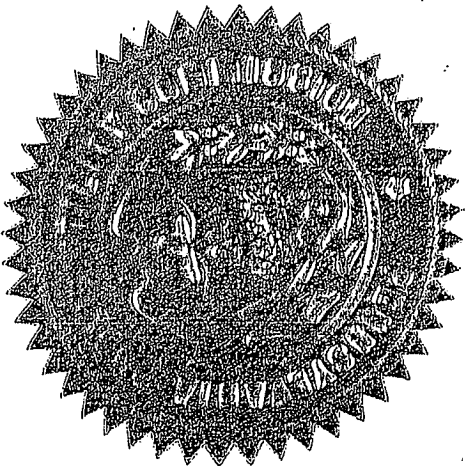
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF : A-6411525

Application of Kutztown Area Transport Service, Inc., a corporation of the Commonwealth of Pennsylvania, for the right To transport persons in paratransit service from points in the counties of Berks, Lehigh, Bucks, Montgomery, Carbon, Schuylkill, Lebanon and Dauphin, to points in Pennsylvania, and return. Subject to the following condition: Provided that service originating in Bucks and Montgomery Counties: (1) shall be provided in vehicles with wheelchair lifts or which have been modified to accommodate passengers in wheelchairs or on stretchers or which have other special equipment to accommodate passengers with disabilities or other medical conditions; and all of which vehicles are staffed with either (i) an attendant besides the driver or (ii) an emergency medical services provider certified by the Pennsylvania Department of Health; and (2) shall be transportation originating at or destined to the facilities of Lehigh Valley Health Network, St. Luke's Hospital, Grandview Hospital, Pottstown Memorial Hospital or Manor Care - Pottstown. A-2009-2140250

EFFECTIVE DATE: December 6, 2010

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues to the applicant this **CERTIFICATE OF PUBLIC CONVENIENCE** evidencing the Commission's approval to operate.



In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 6th day of December, 2010.

Raymond Chumthro
Secretary

APPENDIX C

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

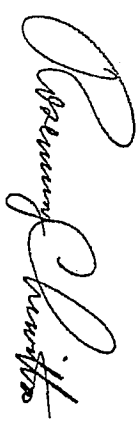
IN THE MATTER OF : A-6411525

Application of Kutztown Area Transport Service, Inc., for the right to begin to transport, by motor vehicle, persons in paratransit service, between points in the counties of Montgomery, Chester, and Berks, and the city and county of Philadelphia, and from points in said city and counties, to points in Pennsylvania, and return; which is to be a transfer of all rights authorized under the certificate issued at A-00119127 to Goodwill Steam Fire Engine Company No. 1 of Pottstown, PA t/d/b/a Good Will Ambulance, subject to the same limitations and conditions. A-2012-2304787

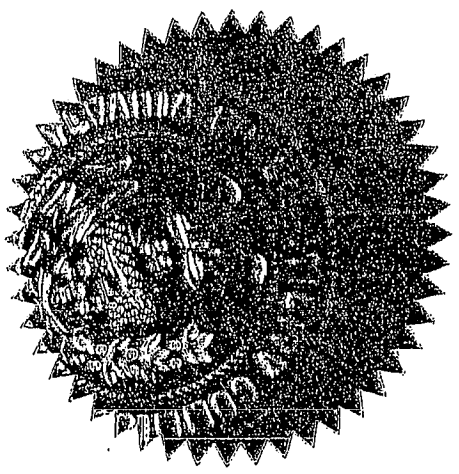
EFFECTIVE DATE: January 9, 2013

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues to the applicant this **CERTIFICATE OF PUBLIC CONVENIENCE** evidencing the Commission's approval to operate.

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 9th day of January 2013.



Secretary



**CERTIFICATE OF
SERVICE**

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: APPLICATION OF :
LA MEXICANA EXPRESS : Docket No. A-2012-2329717
SERVICE, LLC :

CERTIFICATE OF SERVICE

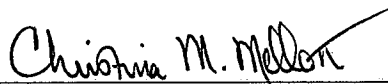
I hereby certify that I have this day served a true copy of the foregoing Protest and Request for Oral Hearing upon the Applicant listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant). This Protest and Request for Oral Hearing was electronically filed with the Commission on the Commission's filing system on this day.

VIA FIRST CLASS MAIL

La Mexicana Express Service, LLC
1044 Union Street
Reading, PA 19604

Applicant

Dated this 13th day of February, 2013.



Christina M. Mellott
Attorney I.D. No. 81369
PAGE, WOLFBERG & WIRTH, LLC
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Mechanicsburg, PA 17050
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(717) 691-1226 (fax)

Counsel for Protestant, Kutztown Area Transport
Service, Inc.