

COMMONWEALTH OF PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

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 DAVID R. HEIGHT, III, t/d/b/a : DOCKET NO. A-00105714  
 Peach Transportation :  
 Right to begin to transport, :  
 persons, in paratransit service : **RECEIVED**  
 between points in the counties of :  
 Philadelphia, Montgomery, Delaware, :  
 Chester and Bucks. :  
 :  
 Prehearing Conference : **MAY 30 1985**  
 : **SECRETARY'S OFFICE**  
 : **Public Utility Commission**  
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Pages 1 through 9

State Office Building  
Broad and Spring Garden Streets  
13th Floor, Hearing Room 1  
Philadelphia, Penna.

Thursday, May 23, 1985

Hearing in the above-entitled matter met, pursuant  
to notice, at 10:30 a.m.

BEFORE: ISADOR KRANZEL  
Administrative Law Judge

APPEARANCES: FRANK F. HERZ, ESQ.  
200 Monument Road  
Suite Eight  
Bala Cynwyd, Pennsylvania 19004  
(For Applicant)

WOLF, BLOCK, SCHORR AND SOLIS-COHEN  
BY: NEIL WITKES, ESQ.  
12th Floor, Packard Building  
Philadelphia, Pennsylvania 19102  
(For Brocal)

JUN 4 1985

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## 1 APPEARANCES: (Cont'd)

2 BLANK, ROME, COMISKY & MC CAULEY  
3 BY: NORMAN E. GREENSPAN, ESQ.  
4 Four Penn Center Plaza  
5 Philadelphia, Pennsylvania 19103  
6 (For Metro Transportation, Inc., t/d/b/a Yellow  
7 Cab)

8 DUANE, MORRIS & HECKSCHER  
9 BY: LEWIS OLSHIN, ESQ.  
10 1500 One Franklin Plaza  
11 Philadelphia, Pennsylvania 19102  
12 (For Russell F. Maxwell, Jr., t/d/b/a  
13 Doylestown Taxicab Co. and Lower Bucks  
14 Taxicab Co.)

15 RAYMOND THISTLE, JR., ESQ.  
16 Five Cottman Court  
17 426 Cottman Street  
18 Jenkintown, Pennsylvania 19046  
19 (For Ardmore Cab Co.,  
20 Bennett Taxi Service,  
21 Conshohocken Yellow Cab,  
22 Harp Brothers, Inc.,  
23 Lansdale Yellow Cab Company t/d/b/a North  
24 Penn Carriers,  
25 Medi-Call Ambulance Service, Inc.,  
t/d/b/a Medi-Call Paratransit and  
t/d/b/a Keystone Transportation  
Services,  
Montgomery County Paratransit Association,  
Inc.,  
Norristown Yellow Cab Co., Inc.,  
Professional Paramedical Services, Inc.,  
Quality Transportation Service, Inc.,  
Willow Grove Yellow Cab Co., Inc.

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1 ADMINISTRATIVE LAW JUDGE ISADOR KRANZEL: This is the  
2 matter of the application of David R. Height, III, t/d/b/a  
3 Peach Transportation, Docket A-00105714. I am Isador Kranzel,  
4 Administrative Law Judge in this matter.

5 Appearing today for the applicant is Frank F. Herz,  
6 Esquire. Appearing today for protestant Brocal Corporation  
7 is Neil Witkes, Esquire, of the firm Wolf, Block, Schorr and  
8 Solis-Cohen. Appearing today for Russell F. Maxwell, Jr.,  
9 t/d/b/a Doylestown Taxicab Company, protestant, and Lower  
10 Bucks Taxicab Company, protestant, is Lewis Olshin, Esquire,  
11 of the firm of Duane, Morris & Heckscher. Appearing today  
12 for protestant Metro Transportation Company, t/a Yellow Cab  
13 Company, is Norman E. Greenspan, Esquire, of the firm Blank,  
14 Rome, Comisky & McCauley. Appearing today for Ardmore  
15 Cab Company is Raymond A. Thistle, Jr., Esquire.

16 It is my understanding that the applicant now wishes  
17 to place on the record a restrictive amendment which will  
18 result in the withdrawal of several of the protestants. Go  
19 right ahead, Mr. Herz.

20 MR. HERZ: Good morning, Your Honor. My name is Frank  
21 Herz. I represent the petitioner, Mr. Height. We would like  
22 to file at this time a restrictive amendment to the applica-  
23 tion. It will read as follows: To transport by motor  
24 vehicle in paratransit service handicapped, disabled, and  
25 elderly persons who require assistance for personal mobility

1 to and from the vehicle between their homes or places of  
2 business and various medical and rehabilitation facilities,  
3 between points in that portion of the Counties of Philadelphia  
4 and Delaware Counties between points in the Counties of  
5 Philadelphia and Delaware beginning on the west side of the  
6 Schuylkill River at City Line Avenue thence southwardly along  
7 City Line Avenue and Township Line Road to Lansdowne Avenue,  
8 thence south on Lansdowne Avenue and Main Street to Island  
9 Avenue, then south on Island Avenue to Lindbergh Boulevard,  
10 then north on Lindbergh Boulevard to Grays Ferry Avenue,  
11 thence north to the Schuylkill Expressway, thence northwesterly  
12 along Grays Ferry Avenue to the Schuylkill Expressway, thence  
13 north along the Schuylkill Expressway to the point of  
14 beginning at City Line Avenue.

15 MR. GREENSPAN: I just have one small point. You are  
16 indicating going southeasterly or southerly on Township Line  
17 to Lansdowne Avenue. Is that an intersection?

18 MR. HERZ: Yes.

19 MR. WITKES: The map that you have, can you indicate on  
20 it --

21 MR. THISTLE: It will be changed to make it easier for  
22 description.

23 JUDGE KRANZEL: I have accepted the restrictive amend-  
24 ment. I believe it is in the public interest, and therefore,  
25 I accept it.

1 MR. THISTLE: Your Honor, since there are 11 protestants  
2 which I have filed a protest on their behalf, it is just not  
3 practical for me to get on the phone right now. This is my  
4 intent, and I will confirm this. If there is some objection  
5 by my clients, it will be my intent to write the Commission  
6 for this record and withdraw Ardmore Cab Company, Bennett  
7 Taxi Service, Conshohocken Yellow Cab, Harp Brothers,  
8 Lansdale Yellow Cab Company, Montgomery County Paratransit,  
9 Norristown Yellow Cab Company, Inc., Willow Grove Yellow Cab  
10 Company, Inc. Of the protestants which I have filed for,  
11 that leaves or will leave -- this is subject to confirmation  
12 from my clients -- that would leave Medi-Call Ambulance  
13 Service, Inc., Professional Paramedical Services, Inc., and  
14 Quality Transportation Service, Inc.

15 I might add that after my consultation with those three,  
16 they may likewise withdraw. So I won't know until I have  
17 been able to contact them.

18 MR. HERZ: This is perfectly acceptable to the  
19 petitioner as to what Mr. Thistle would like to do.

20 JUDGE KRANZEL: Mr. Olshin?

21 MR. OLSHIN: I represent Russell Maxwell, Jr.,  
22 t/d/b/a Doylestown Taxicab Company and Lower Bucks Taxicab  
23 Company. Based on your acceptance of the restrictive amend-  
24 ment, I am withdrawing these protestants and will ask of Your  
25 Honor to be excused from the hearing and would request copies

1 of all orders that Your Honor issues as well as orders from  
2 the Commission.

3 JUDGE KRANZEL: You will continue to be of record.  
4 In this case, you would not have the transcript unless you  
5 order them.

6 MR. OLSHIN: I don't think I need a copy of the  
7 transcript, just a copy of Your Honor's orders and orders  
8 from the Commission as well as Mr. Herz's confirmation in  
9 writing of the restrictive amendment which is put on the  
10 record.

11 JUDGE KRANZEL: That will be fine.

12 (Whereupon, Mr. Olshin left the hearing room.)

13 JUDGE KRANZEL: Mr. Herz, what is your pleasure now?

14 MR. HERZ: Your Honor, we were not able to bring any-  
15 body in. We had a petition that Mr. Height circulated  
16 through different parishes and to people that he knows and to  
17 people that fit the first paragraph as far as being disabled  
18 and elderly. These persons, because of these disabilities,  
19 were not able to come out. However, we have these  
20 approximately 65 names of persons who would utilize this  
21 service if it was available if Mr. Height had the authority  
22 to operate said service.

23 JUDGE KRANZEL: We are not permitted to accept this kind  
24 of material in which affidavits are utilized, so that what  
25 I would suggest at this point is that you are going to have to

1 have some testimony before me. You are just going to have to  
2 find a way to at least get three or four people in here to  
3 have some say --

4 MR. HERZ: That is perfectly all right.

5 JUDGE KRANZEL: -- on what you believe the needs are.  
6 I cannot permit affidavits where there is no cross examina-  
7 tion. You have to understand that.

8 Off the record.

9 (Whereupon, a discussion was held off the record.)

10 JUDGE KRANZEL: I will continue this case generally  
11 with the full understanding, however, that at the next hearing  
12 you must be prepared to go on with testimony and you will  
13 have to let chips fall where they may, in terms of you will  
14 be expected to present your entire case that day, since I  
15 assume you would have no more than three or four witnesses  
16 beyond the direct testimony of the applicant. If all parties  
17 withdraw, you may still make a request and I think that it  
18 might be permitted since there was no testimony on the  
19 record, to utilize the modified procedure and what you would  
20 then do is write to the Chief Administrative Law Judge and  
21 indicate that you would. That is only if everyone withdraws,  
22 that you would like to have the matter referred to the modi-  
23 fied procedure rather than have the hearing that has been set  
24 up.

25 I am not certain how the office in Harrisburg will do

1 that, but at one level it might be argued that this is really  
2 in the nature of a prehearing conference. It still could be  
3 appropriate to utilize the modified procedure. In fact, I  
4 would instruct the stenographer to entitle this a prehearing  
5 conference.

6 Thank you very much.

7 (Hearing concluded at 10:50 a.m.)

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C E R T I F I C A T I O N

1  
2 I HEREBY CERTIFY that the proceedings and evidence are  
3 contained fully and accurately in the stenographic notes  
4 taken by me upon the foregoing matter on Thursday, May 23,  
5 1985, and that this is a correct transcript of same.  
6

7 Bonnie Hayles  
8

9 (The foregoing certification of this transcript does not  
10 apply to any reproduction of the same by any means unless  
11 under the direct control and/or supervision of the certifying  
12 reporter.)  
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**END**