

Thomas & Thomas
Attorneys and Counsellors at Law

CHARLES E. THOMAS
JAMES K. THOMAS
JACK F. ASCHINGER
CARROLL F. PURDY
JOSEPH P. HAFFER
CHARLES E. THOMAS, JR.
JAMES K. THOMAS II
D. MARK THOMAS
ROGER T. SHOOP
PATRICIA ARMSTRONG
JEFFREY B. RETTIG
PETER J. CURRY
R. BURKE McLEMORE, JR.
THOMAS T. NIESEN
EDWARD H. JORDAN, JR.
ANTHONY STEFANON
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MELINDA S. DiCARLO

212 LOCUST STREET
P. O. Box 999
HARRISBURG, PA. 17108
—
(717) 255-7600

WRITER'S DIRECT DIAL NUMBER
255-7609

October 10, 1984

RECEIVED

OCT 10 1984

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
North Office Building
P.O. Box 3265
Harrisburg, PA 17120

SECRETAR
Public Utility Comm.

RECEIVED

FILE

Re: Application of DAVID R. HEIGHT, III
t/d/b/a Peach Transportation
A-00105714

OCT 11 1984

Non-Rail Transportation
Public Utility Comm.

Dear Mr. Rich:

Enclosed on behalf of Krapf's Coaches, Inc. are an original and two (2) copies of its Protest to the above-captioned application. A copy thereof has been served upon Applicant as evidenced by the Certificate of Service attached thereto.

Very truly yours,

THOMAS & THOMAS

By

Jack F. Aschinger
Jack F. Aschinger

V:T26

Enclosures

cc: Mr. David R. Height, III (w/enclosure)
Mr. Dale N. Krapf (w/enclosure)

**DOCUMENT
FOLDER**

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of :
 :
 :
 DAVID R. HEIGHT, III : Application Docket
 t/d/b/a Peach Transportation :
 :
 :
 for approval of the beginning of the : No. A-00105714
 exercise of the right and privilege of :
 operating motor vehicles as common :
 carriers for transportation of persons :
 in paratransit service between points :
 in the Counties of Philadelphia, Mont- :
 gomery, Delaware, Chester and Berks :
 :

PROTEST OF
KRAPF'S COACHES, INC.

FILE
RECEIVED **RECEIVED**
OCT 10 1984
OCT 11 1984
SECRETARY'S OFFICE
Public Utility Commission
Non-Rail Transportation
Public Utility Comer

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes Krapf's Coaches, Inc. (herein "Protestant" or "Krapf's Coaches"), by its attorneys, and in protest to this application respectfully represents:

1. The name and address of Protestant are:

Krapf's Coaches, Inc.
R.D. #2, Springton Road
Glen Moore, PA 19343
(215) 269-1151

2. The name and address of Protestant's attorneys are:

D. Mark Thomas
Jack F. Aschinger
THOMAS & THOMAS
212 Locust Street
P.O. Box 999
Harrisburg, PA 17108
(717) 255-7600

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
OCT 12 1984
ENTRY No. NK

Protestant holds authority of the Commission in conflict with what the Applicant herein seeks in this proceeding. Protestant's authority at A-00104504, F.2, Am-A upon which its protest is predicated is attached hereto as an Appendix, which authorizes transportation in paratransit service between points in the County of Chester and from said points to points in Pennsylvania.

4. Krapf's Coaches, Inc. operates motor carrier equipment suitable for the transportation involved, is fit and able to provide the service and is presently providing paratransit service for the County of Chester under authority of the Commission. Accordingly, there is no present need for the service sought herein in the County of Chester.

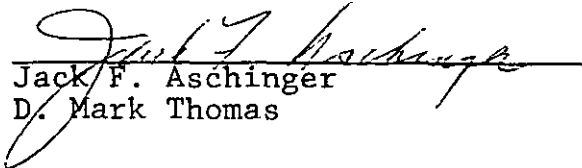
5. If Applicant herein restricts its application so as to eliminate the County of Chester as a point of origin, Protestant herein would withdraw its protest conditioned upon final acceptance of the amendment by the Commission.

6. Approval of this application, to the extent set forth herein, is not necessary or proper for the service, accommodation, convenience or safety of the public.

WHEREFORE, Krapf's Coaches, Inc. prays that this application, to the extent set forth herein, be dismissed forthwith.

Respectfully submitted,

KRAPF'S COACHES, INC.


Jack F. Aschinger
D. Mark Thomas

THOMAS & THOMAS
212 Locust Street
P.O. Box 999
Harrisburg, PA 17108
(717) 255-7600

DATED: October 10, 1984

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held August 10, 1984

Commissioners Present:

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

Application of Krapf's Coaches, 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 service, between points in that portion of Chester County south of Interstate Highway Route 76, and from said area to points in Pennsylvania: SO AS TO PERMIT the transportation of persons, in paratransit service, between points in the county of Chester, and from points in said county, to points in Pennsylvania.

A-00104504
F. 2
Am-A

Thomas & Thomas by Jack F. Aschinger for the applicant.
Somerset and Bomze, P.C. by Val Pleet Wilson for the protestant,
Care & Emergency, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed December 19, 1983. Public notice of the application was given in the Pennsylvania Bulletin of February 25, 1984. Additional public notice of the application was given in the Daily Local News, Chester County, a newspaper of general circulation within the area of application. A protest was filed by Care & Emergency, Inc., which was withdrawn upon reconsideration without amendment.

The application is now 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 one supporting party.

Dale N. Krapf, president of Krapf's Coaches, Inc. (applicant or Krapf's Coaches), R.D. 2, Springton Road, Glen Moore, Chester County, states in support of the pending application that the applicant was granted a certificate of public convenience on May 26, 1983, which authorizes the applicant to provide paratransit service between points in Chester County, located south of Interstate Highway Route 76, and from points in said area, to points in Pennsylvania.

The applicant is affiliated with George Krapf, Jr. and Sons (Krapf), which is engaged in providing exempt transportation of school children. The applicant is operating from the terminal of Krapf which is located five miles west of Downingtown, at which Krapf employs seven full-time mechanics, two full-time body men, three full-time maintenance men, four full-time secretaries, two full-time administrators, three part-time bus instructors, 340 bus drivers, of which 325 work nine months a year, with the remaining 15 working full-time. Krapf's Coaches has available to it all of the aforementioned personnel. The proposed paratransit service will be provided with 10 11-passenger vans and with 11 eight-passenger vans that are equipped to handle wheelchairs.

Krapf's Coaches is currently providing the Chester County Paratransit System, Chester County Intermediate Unit, West Chester Area School District, West Chester AARP and the Downingtown Senior Center with service pursuant to its current paratransit right. The applicant seeks the additional authority so that it will be able to meet all of the needs of those persons residing in Chester County desiring paratransit service.

The applicant's unaudited balance sheet indicates that as of December 31, 1983, the applicant had total current assets of \$21,309, total assets of \$398,493, total current liabilities of \$138,600, long-term debt of \$249,273 and stockholders' equity of \$10,620. The income statement of the applicant states that from total income of \$185,880, it suffered a net loss of \$65,510.

Barbara Wilson, administrator of the Chester County Office of Human Services, Chester County Paratransit System, 326 North Walnut Street, West Chester, Chester County, states that the county agency is responsible for developing and securing paratransit service for clients of public and private agencies in Chester County. The Chester County Office of Human Services advertised for bids on paratransit service between points in Chester County, and from said county to points in Pennsylvania. The contract was awarded to the applicant, with services to commence on July 1, 1984, for a period of two years.

DISCUSSION AND FINDINGS

Krapf's Coaches, Inc. is a currently certificated paratransit carrier, authorized to provide service between points in Chester County which are located south of Interstate Highway Route 76, and from points

in said area to points in Pennsylvania. This area of Chester County constitutes approximately two-thirds of the county of Chester. The applicant now seeks authority that will permit it to provide service between all points in Chester County, and from Chester County, to points in Pennsylvania.

The additional authority is desired by the applicant to fulfill contractual obligations with the Chester County Office of Human Services, County Paratransit Service, which is responsible for establishing paratransit services for clients of public and private agencies in Chester County. The applicant was awarded a contract which obligates the applicant to begin providing paratransit service between all points in Chester County. A grant of authority as sought, will assist Chester County in establishing a localized paratransit operation, and will be in the public interest.

We find:

1. That the applicant is fit, willing and able to provide the proposed transportation.
2. That the applicant has demonstrated that a public need exists.
3. That approval of the application, will be an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved, and that the right contained in the order adopted April 15, 1983 and entered April 25, 1983, shall now read as follows:

To transport, as a common carrier, by motor vehicle, persons, in paratransit service, between points in the county of Chester, and from points in said county, to points in Pennsylvania.

subject to the following condition:

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

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.

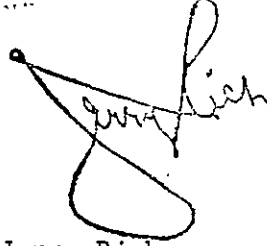
IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of service of this

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 application for temporary authority filed June 28, 1984, is hereby dismissed for being moot.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", written over a large, stylized loop.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: August 10, 1984

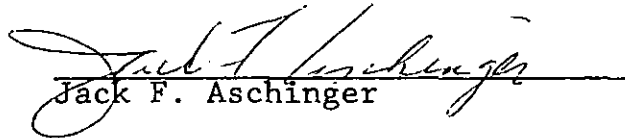
ORDER ENTERED: AUG 16 1984

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing Protest by first class mail, postage prepaid, upon the following party at the address listed below:

Mr. David R. Height, III
t/d/b/a Peach Transportation
6220 Race Street
Philadelphia, PA 19139

Mr. Dale N. Krapf
Krapf's Coaches, Inc.
R.D. #2, Springton Road
Glen Moore, PA 19343


Jack F. Aschinger

DATED: October 10, 1984

DUANE, MORRIS & HECKSCHER

ATTORNEYS AT LAW

ONE FRANKLIN PLAZA
PHILADELPHIA, PA 19102
(215) 854-6300

CABLE & TELEGRAM
TWX 710-670-1164

TELECOPIER
(215) 584-2048 • (215) 854-8448
(215) 854-6337

203 PINE STREET HARRISBURG, PA 17101 (717) 238-8161
53 DARBY ROAD PAOLI, PA 19301 (215) 647-3555

October 15, 1984

HENRY T. REATH
JOHN BIDDLE FELTON
JAMES J. McCABE
MARTIN A. HECKSCHER
REEDER R. FOX
FRANCIS L. WHITE, JR.
ROBERT W. DENIGUS
VINCENT F. GARRITY, JR.
FREDERICK W. DREHER
JOHN B. NASON, III
EARL T. BRITT
JOSEPH A. RYAN
JOHN S. BEVAN
JANE D. ELLIOTT
DONALD R. AUTEN
MARC D. BROOKMAN
PAUL J. SCHNEIDER
JAMES M. PECK
EDWARD GRIFFITH
THOMAS P. PRESTON
GENE E. K. PRATTER
JOHN F. HORSTMANN
JOHN A. TERRILL
TERRY R. BRODERICK*
ROBERT E. KELLY, JR.
MICHAEL C. FOX

THOMAS M. HYNDMAN, JR.
A. JOHN MAY
ROLAND MORRIS
SHELDON M. BONOVIKZ
ALAN REEVE HUNT
SEYMOUR C. WAGNER
JOHN A. CLARK
DAVID C. TOOMEY
DAVID T. SYKES
RONALD F. KIDD
MICHAEL M. SAYLSON
ROBERT L. PRATTER
JAY J. LAMBERT
FRANK G. COOPER
DONALD A. TORTORICE
STEPHEN D. TEAFORD
HUGH M. EMORY
MARJORIE O. RENDELL
JOSEPH M. HANKINS
PETER J. HOFFMAN
DAVID M. FLYNN
MICHAEL M. MUSTOKOFF
LISE LUBORSKY
RALPH A. MARIANI
JAMES K. BRENGLE
JAMES E. BUTLER

KATHLEEN M. SHAY
RICHARD C. UNGER, JR.
JOANNE ALFANO BAKER
GEORGE E. PIERCE, JR.
DAVID I. HAAS
CECELIA F. WAMBOLD
LEWIS R. OLSHIN
BRUCE J. KASTEN
FRANK A. LUCHAK
J. SCOTT KRAMER
JOHN H. PAVLOFF
RICHARD L. THURSTON
ELISE E. SINGER
ALISON R. LAZERWITZ
SCOTT C. PENWELL
JAMES T. MOUGHAN
DAVID E. LOOER
WILLIAM G. BORNSTEIN
RICHARD J. FLANNERY
CAROLYN MILLS
MARGERY N. REED
DWIGHT REGINALD WHITT
KAREN A. OVERSTREET
JEFFREY S. ESTABROOK
MICHAEL L. KRANCER
NANCY M. SNYDER
JOHN J. SOROKO
BARBARA ADAMS-ROSENTHAL
THOMAS W. OSTRANDER
ERIC H. AUERBACH
WAYNE A. SCHAIBLE
BEATRICE O'DONNELL
MARY JANE BARRETT
KATHRYN R. HEIDT
ANDREA L. BOWMAN
JACK M. MUMFORD
STEVEN L. SUGARMAN
M. RIDGWAY BARKER
RUDOLPH J. DIMASSA, JR.
MARCIA HEISTER OESTE
PATRICIA L. PREGMON
BARBARA E. SANSON
DEBRA L. BROMSON
PETER STRATTON CLARK
STEVEN M. JANOVE
ROBERT BENJAMIN PARKS
MARCIE J. WEINTRAUB
JAMES B. COUCH
CRISTINA CAVALIERI
KEVIN S. GORMAN
CATHERINE HILL KUNDA

*STUTT GART, WEST GERMANY

DIRECT DIAL: 854- 6298

Mr. Jerry Rich, Secretary
Commonwealth of Pennsylvania
Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Re: Application of David R. Height, III, t/d/b/a
Peach Transportation -- Docket No. A-00105714

Dear Mr. Rich:

Enclosed please find the original and two copies
of the Protest filed by Russell F. Maxwell, Jr., t/d/b/a
Lower Bucks Taxicab Co. and Doylestown Taxicab Co. in the
above-captioned matter.

Very truly yours,

OCT 17 1984

Lewis R. Olshin
Lewis R. Olshin
for DUANE, MORRIS & HECKSCHER

SECRETARY'S OFFICE
Public Utility Commission

LRO:jmg
enclosures

cc: David R. Height, III,
t/d/b/a Peach Transportation
(w/enclosure)
CERTIFIED MAIL, RRR

RECEIVED

OCT 17 1984

Man-Rail Transportation
Public Utility Comm

DOCUMENT
FOLDER

COUNSEL

MORRIS DUANE
JOHN B. MARTIN
THOMAS R. BEVAN
MAURICE HECKSCHER
WILLIAM WHITE

HARRISBURG OFFICE
WILLIS F. DANIELS
HAROLD W. SWOPE

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

FILE

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BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

OCT 17 1984

SECRETARY'S OFFICE
Public Utility Commission

In Re:

Application of David R. Height, III,
t/d/b/a Peach Transportation

Docket No. A-00105714

RECEIVED

OCT 17 1984

Non-Road Transportation
Public Utility Comm.

PROTEST
OF
RUSSELL F. MAXWELL, JR.,
t/b/d/a
LOWER BUCKS TAXICAB CO.
AND
DOYLESTOWN TAXICAB CO.

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes Russell F. Maxwell, Jr., t/d/b/a Lower Bucks Taxicab Co. and Doylestown Taxicab Co. ("Maxwell") to protest the above-captioned Application.¹ In support thereof, Protestant respectfully represents:

FILE

1. The name and address of Protestant are:

Russell F. Maxwell, Jr., t/d/b/a
Lower Bucks Taxicab Co. and
Doylestown Taxicab Co.
Doylestown Train Station
17 South Clinton Road²
Doylestown, Pennsylvania 18901
(215) 345-6066

DOCUMENTED
APPLICATION DOCKET
OCT 18 1984
ENTRY No. NK

2. The names and address of Protestant's attorneys are:

Lewis R. Olshin, Esquire
Richard L. Thurston, Esquire
DUANE, MORRIS & HECKSCHER
1500 One Franklin Plaza
Philadelphia, PA 19102
(215) 854-6300

DOCUMENT
FOLDER

1. As published in the Pennsylvania Bulletin, Vol. 14, No. 40, October 6, 1984, p. 3688.

2. Both Doylestown and Lower Bucks Taxicab Companies operate out of the Reading Station, Doylestown, Pennsylvania.

3. Maxwell is the sole proprietor of Lower Bucks Taxicab Company and Doylestown Taxicab Company, which are authorized by the Public Utilities Commission (the "Commission") to provide paratransit service at A.00101680, F.2 and A.00101154, F.2, respectively. Copies of the relevant authority are attached hereto and incorporated herein as Exhibits "A" and "B".

4. A grant of the authority sought in the above-captioned Application will affect Maxwell's operations adversely.

5. Protestant will accept a restrictive amendment which excludes from the applied for territory all of the territory authorized by the Commission in Exhibits "A" and "B".

6. The authority sought is not necessary or proper for the service, accommodation, convenience or safety of the public for all of the followings reasons:

- (a) Applicant has not established its fitness to be a carrier;
- (b) There is no need for the proposed service;
- (c) The service of Protestant and other existing carriers are adequate and satisfactory to meet whatever need presently exists in the relevant territory; and
- (d) The proposed service does not offer anything new or different and which is not already available.

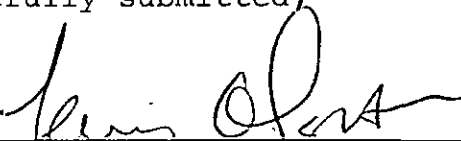
7. The equipment and other facilities of Protestant and other authorized carriers are ample to meet all requirements of the public in the territory involved in the Application.

8. Approval of this Application will be prejudicial to Protestant since it will authorize additional competition with the potential resulting in loss revenue.

WHEREFORE, Maxwell respectfully prays that the Commission schedule a public hearing to review this matter.

Respectfully submitted,

BY:



Lewis R. Olshin
Richard L. Thurston

Attorneys for Protestant

DATED: October 15, 1984

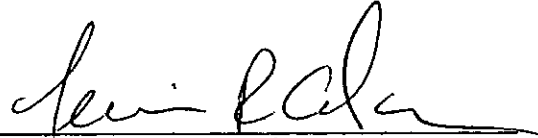
cc: David R. Height, III,
t/d/b/a Peach Transportation

OF COUNSEL:

DUANE, MORRIS & HECKSCHER
One Franklin Plaza
Philadelphia, PA 19102

CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing Protest of Russell F. Maxwell, Jr., t/d/b/a Lower Bucks Taxicab Co. and Doylestown Taxicab Co. upon Applicant, David R. Height, III, t/d/b/a Peach Transportation, 6220 Race Street, Philadelphia County, Pennsylvania 19139, by first-class mail, postage pre-paid and properly addressed.



Lewis R. Olshin

DATED: October 15, 1984

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 17, 1982

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro
Clifford L. Jones

Application of Russell F. Maxwell, Jr.,
t/d/b/a Lower Bucks Taxicab Co., for the
additional right to transport, as a
common carrier, by motor vehicle,
persons in paratransit service, between
points in the townships of Northampton
and Lower Southampton, Bucks County,
and the township of Lower Moreland and
the borough of Bryn Achyn, Montgomery
County; subject to the following
conditions: (1) That the service
herein authorized is limited to trans-
portation in vehicles having a seating
capacity of not more than fifteen (15)
persons, including the driver; (2) That
the service herein authorized is limited
to transportation in a vehicle not
reserved for individual use, for which
advanced reservations are made not later
than the previous calendar day; (3) That
no right, power or privilege is granted
to provide scheduled route service as
defined in the Pennsylvania Code,
Title 52, Chapter 29.14; and (4) That no
right, power or privilege is granted to
transport groups and parties of persons,
as defined in Pennsylvania Code, Title 52,
Chapter 29.16.

A-00101680
F. 2

Richard L. Thurston for Lower Bucks Taxicab Co.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application
filed May 13, 1982. Public notice of the application was given in the
Pennsylvania Bulletin of May 29, 1982. Additional notice was given in
the Norristown Herald and the Intelligencer Journal, editions of June 9,
1982, both of which are newspapers of general circulation published in
Norristown, Montgomery County and Doylestown, Bucks County, respectively.

Exhibit "A"

The unopposed application is certified to the Commission for its decision without hearing. The record consists of a verified statement entered by the applicant and supporting statements from 22 interested parties.

Russell F. Maxwell, Jr., the applicant herein, set forth in his verified statement that he operates Lower Bucks Taxicab Co. as a sole proprietorship and as such he is responsible for its operation. He has over 30 years experience as an owner and driver in the taxicab business. He now operates call or demand service in the area here subject. The applicant employs two office employees, two full time drivers, three part time drivers and two part time mechanics. He operates one station wagon seating five persons and one sedan seating five persons. Both vehicles are radio equipped. The applicant has the capability of leasing additional equipment such as vans to meet increased and specialized public need. All equipment is routinely maintained and safety inspected.

Approval of the application will enable Maxwell to develop and offer to the public a service which is not available in the application area. The proposed service will make available to handicapped and elderly citizens an efficient, reliable and inexpensive service.

As evidence of his financial capacity to provide the additional service, Maxwell entered copies of his annual report filed with the Commission for 1981. He reports total current assets of \$913, total assets of \$1,623 with no liabilities. The applicant's gross operating revenue of \$10,593 produced a net income of \$3,563 after expenses.

The applicant submitted 22 signed statements which are identical in form. The statements set forth that the signator supports the application and would use the service if it were available in the subject area.

DISCUSSION AND FINDINGS

The applicant seeks to provide paratransit service within the same area he now serves upon call or demand. He operates two taxicabs at this time and will lease vans for use in providing paratransit service. As an established common carrier providing for the transportation of persons, we are confident the applicant has the fitness to render the proposed service. The applicant's financial condition appears to be sound.

The 22 supporting statements evidence a desire for the service proposed. It is our opinion the applicant has demonstrated that approval of the application is reasonably necessary for the accommodation and convenience of the public. Unquestionably, the availability of the proposed paratransit service within the area now served by the applicant upon call or demand will provide this area with an additional type of public transportation.

We must point out to the applicant that although the proposed service may be operated as an adjunct to his currently authorized call or demand service, paratransit service differs from taxicab service and must be operated as a separate service. Paratransit service is provided for the transportation of persons on solely a nonexclusive advanced reservation basis. Reservations in this instance are to be made 24 hours in advance of the rendering of service. The vehicles to be operated shall not be equipped with dome lights or taximeters.

We find:

1. The applicant has the fitness and experience necessary to render the proposed service.
2. Approval of the application will provide residents of the area with additional means of public transportation.
3. Approval of the application is an accommodation and convenience to 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, by motor vehicle, persons in paratransit service, between points in the townships of Northampton and Lower Southampton, Bucks County, and the township of Lower Moreland and the borough of Bryn Achyn, Montgomery County.

subject to the following conditions:

1. That transportation is limited to that provided in a vehicle not reserved for individual use for which advanced reservations are made not later than the previous calendar day.
2. That no right, power or privilege is granted to operate vehicles equipped with dome lights or taximeters when providing the service herein authorized.
3. That the applicant shall comply with all rules and regulations as set forth in 52 Pa. Code §29.353(1) and (2).

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 applicant shall not engage in any transportation granted herein until he shall have complied with the requirements of the Pennsylvania 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.

IT IS FURTHER ORDERED: 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 hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, looped scribble.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 17, 1982

ORDER ENTERED: SEP 27 1982

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held December 3, 1982

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro
Clifford L. Jones

Application of Russell F. Maxwell, Jr.,
t/d/b/a Doylestown Taxicab Co., for the
additional right to transport, as a
common carrier, by motor vehicle, persons,
in paratransit service, between points in
the boroughs of Doylestown, New Britain,
Dublin, Silverdale and Chalfont and the
townships of Doylestown, New Britain,
Buckingham, Warwick, Warrington, Plumstead,
Hilltown, Bedminster and Tinicum, Bucks
County; subject to the following conditions:

A-00101154
F. 2

(a) that the service herein authorized is
limited to transportation in vehicles
having a seating capacity of not more
than fifteen persons, including the
driver; (b) that the service herein
authorized is limited to transportation
in a vehicle not reserved for individual
use, for which advanced reservations are
made not later than the previous calendar
day; (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; and
(d) that no right, power or privilege is
granted to transport persons in group and
party service, as defined in the Pennsyl-
vania Code, Title 52, Chapter 29.16.

Richard L. Thurston for Doylestown Taxicab Co.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application
filed May 27, 1982. Public notice of the application was given in the

Exhibit "B"

Pennsylvania Bulletin of June 19, 1982. Additional notice was given in The Intelligencer, edition of June 28, 1982, which is a newspaper of general circulation published in Doylestown, Bucks County. A protest was filed by Willow Grove Yellow Cab Co., Inc., however, it was later withdrawn when the application was amended to exclude service in the townships of Warrington and Warwick, Bucks County.

The now unopposed application, as amended, is certified to the Commission for its decision without hearing. The record consists of a verified statement entered by the applicant and statements from sixteen supporting parties.

Russell F. Maxwell, Jr., the applicant herein, sets forth in his verified statement that he is the owner and sole proprietor of Doylestown Taxicab Co. He has operated Doylestown Taxicab Co. since 1980 but has over thirty years experience in the taxicab business. He is familiar with the daily operations of the applicant and is thoroughly familiar with his present operating authority, facilities and equipment. Doylestown Taxicab Co. now holds authority to provide service upon call or demand in the boroughs of Doylestown, New Britain, Dublin, Silverdale and Chalfont and townships of Buckingham, Warwick, Warrington, New Britain, Plumstead, Doylestown, Hilltown, Bedminster and Tinicum, Bucks County. The applicant does not now operate any paratransit service within this territory: Currently the company operates from a stand at the Doylestown train station and at various taxi stands within the application area. Doylestown Taxi employs 2 office employees, 3 full time drivers, 3 part time drivers and 2 part time mechanics. Equipment in service includes one, 5 passenger sedan, two, 5 passenger station wagons and one, fifteen passenger van. All vehicles are radio equipped. The equipment is routinely maintained and safety inspected.

Should the instant application be approved, Doylestown Taxi will offer paratransit service in the same area it now provides call or demand service. The availability of this service particularly to handicapped and elderly citizens will provide another means of transportation in the community.

As evidence of his financial capacity to render the proposed service the applicant incorporated his annual report for calendar year 1981. Doylestown Taxi reports total assets of \$2,281 with total liabilities of \$21,839. A loss of \$4,550 was reported from operating revenue of \$66,923 after deduction of total expenses.

Raymond R. Andre, Office of Public Transportation Services, County of Bucks, set forth in a supporting statement that the Office of Public Transportation Services supports the instant application as there is currently no paratransit operators within the territory proposed. Availability of this paratransit service will offer a means of transportation to residents of the community.

Fifteen supporting statements, fourteen from residents of Doylestown and one from a resident of Pipersville, Bedminster Township, Bucks County, all state a desire to have the service available. The fifteen supporting statements are identical in form and very similar in content.

DISCUSSION AND FINDINGS

Maxwell now provides call or demand service in the same area as proposed for the paratransit operation here subject. The applicant has agreed however to exclude the townships of Warwick and Warrington from the paratransit service area. Maxwell has 4 taxi vehicles on hand all of which are radio equipped. We must advise the applicant that the vehicles to be used in the proposed paratransit service cannot be equipped with dome lights or taxi meters. The applicant has indicated a willingness to augment his fleet if necessary.

All but one of the supporting statements come from Doylestown, Bucks County. Fourteen residents of Doylestown and the director of the Bucks County Office of Public Transportation Services (Doylestown) support the application. The remaining statement was entered by a resident of Pipersville, Bedminster Township. All the statements express a desire to have the service available and that the service would be used when made available. Although the applicant has not entered support from each of the boroughs and townships he desires to serve, we determine it reasonable to grant the application as amended so that the applicant will be able to serve an area compatible with his call or demand territory. To limit the applicant only to the borough of Doylestown and the township of Bedminster is not reasonable when considering a practical service to the public.

We find:

1. The applicant has the experience and equipment necessary to render the proposed service.
2. Approval of the application will provide residents of the proposed territory with an additional and alternate means of public transportation.
3. Approval of the application, as amended, is an accommodation and convenience to the public; THEREFORE,

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

To transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the boroughs of Doylestown, New Britain, Dublin, Silverdale and Chalfont, and the townships of Doylestown, New Britain, Buckingham, Plumstead, Hilltown, Bedminster and Tinicum, all in Bucks County.

subject to the following conditions:

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

That advanced reservations shall be made not later than the previous calendar day.

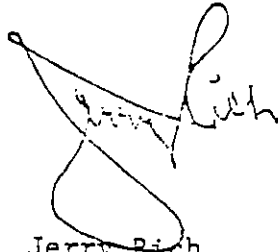
That the applicant shall not operate motor vehicles equipped with dome lights or taxi meters.

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 upon compliance with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of the Commission relating to the filing of evidence of insurance and the filing and acceptance of a tariff establishing just and reasonable rates, 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 service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Jerry Rich", written over a large, irregular scribble or mark.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: December 3, 1982

ORDER ENTERED: DEC 16 1982

FORM OF PROOF OF PUBLICATION OF HEARING OR NO HEARING

FILE

Before PENNSYLVANIA PUBLIC UTILITY COMMISSION

Notarized hereby... application has been made to the Public Utility Commission of the Commonwealth of Pennsylvania... DAVID R. HEIGHT, III, 1746/5 PEACH TRANSPORTATION 16220 Race Street, Philadelphia, Philadelphia County, PA 19139... This application will be submitted to the Commission without a hearing provided no protests are filed on or before October 29, 1984. David R. Height, III, Applicant.

In the matter of the application of for a certificate of public convenience evidencing the Commission's approval of

Application Docket No. A-00105714 1984 Folder No.

RECEIVED

Commonwealth of Pennsylvania ss. County of Philadelphia.

OCT 26 1984

On this 18th day of October, 1984 before me, the subscriber, a Notary Public in and for said county and state, personally appeared Barbara Santos she deposes and says that she is the Class. Adv. Phone Room Manager of the PHILADELPHIA DAILY NEWS published at Philadelphia, in the county of Philadelphia and state of Pennsylvania and that the annexed is a true copy of a notice in the above matter published in said publication in the regular issue of October 18, 1984, and 19.

Barbara Santos (Signature of Affiant)

Sworn and subscribed before me the day and year aforesaid.

Esther Fisher (Notary Public)

My commission expires April 7, 1986

DOCUMENT FOLDER

DOCKETED APPLICATION DOCKET OCT 26 1984 ENTRY No. Nr

PENNSYLVANIA PUBLIC UTILITY COMMISSION



RECEIPT

The addressee named hereunder has paid Pennsylvania Public Utility Commission for the following bill, subject to final collection of check or money order tendered for such payment.

David R. Hight, III
6220 Race St.
Philadelphia, PA 19139

DOCKETED
DOCKET
OCT 24 1984
M.

Date October 22, 1984

CR 111372A

DOCKETED
OCT 24 1984

For filing petition in re application of David R. Hight, III
A-00105714.....\$125.00

Revenue account 01780-17001-102 (ck)

ck F27 005786 \$125.00 Currency

Utility account 50:26

G. Joseph Meisinger
For Department of Revenue

RAYMOND A. THISTLE, JR.
ATTORNEY AT LAW
FIVE COTTMAN COURT
426 COTTMAN STREET
JENKINTOWN, PA. 19046

October 24, 1984

RECEIVED

OCT 26 1984

SECRETARY'S OFFICE
Public Utility Commission

(215) 576-0131

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
Harrisburg, PA 17120

Re: Joint Protest to Application of
David R. Height, III, t/d/b/a
Peach Transportation
Docket A-00105714

FILE

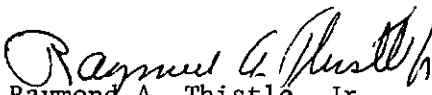
Dear Secretary Rich:

Enclosed herewith for filing is an original plus two copies of a
Joint Protest against the grant of the above referenced application, on
behalf of eleven (11) existing authorized carriers.

Proper service has been made per the Certificate of Service.

Thank you for your attention and consideration in this matter.

Very truly yours,


Raymond A. Thistle, Jr.

RAT:mt

cc: Peach Transportation
All Protestants represented herein
Gerald Gornish, Esq.
Michael A. Tier, Esq.
Kathleen Herzog Larkin, Esq.

RECEIVED

OCT 29 1984

Non-Rail Transportation
Public Utility Comm.

DOCUMENT
FOLDER

RECEIVED

OCT 29 1984 RECEIVED

BEFORE THE ~~Non-transportation~~ ^{Public Utility Comm} OCT 26 1984

PENNSYLVANIA PUBLIC UTILITY COMMISSION . . . SECRETARY'S OFFICE
Public Utility Commission

IN RE: DAVID R. HEIGHT, III, T/D/B/A
PEACH TRANSPORTATION
PERMANENT AUTHORITY APPLICATION

FILE

DOCKET A-00105714

JOINT PROTEST TO APPLICATION FOR AUTHORITY

1. The names, addresses and telephone numbers of the joint protestants are:

- 1 (a) Ardmore Cab Co., Inc.
P. O. Box 342
Bryn Mawr, PA 19010
(215) 642-4616
- 2 (b) Bennett Taxi Service, Inc.
P. O. Box 342
824 Glenbrook Avenue
Bryn Mawr, PA 19010
(215) 525-5813
- 3 (c) Conshohocken Yellow Cab Co.
41 Burnside Avenue
Norristown, PA 19401
(215) 825-1810
- 4 (d) Harp Brothers, Inc.
18 S. Hanover Street
Pottstown, PA 19464
(215) 327-1331
- 5 (e) Lansdale Yellow Cab Company, Inc.,
t/d/b/a North Penn Carriers
32 East Blaine Street
Lansdale, PA 19446
(215) 855-6897

DOCKETED
APPLICATION DOCKET
OCT 31 1984
ENTRY No. NIC

DOCC.
FOLDER

- 6 ✓ (f) Medi-Call Ambulance Service, Inc.,
t/d/b/a Medi-Call Paratransit and
t/d/b/a Keystone Transportation Services
Two Ryers Avenue
Cheltenham, PA 19012
(215) 745-1211
- 7 ✓ (g) Montgomery County Paratransit Association, Inc.
216 Goddard Boulevard
Suite 107
King of Prussia, PA 19406
(215) 337-2800
- 8 ✓ (h) Norristown Yellow Cab Company, Inc.
41 Burnside Avenue
Norristown, PA 19401
(215) 277-1234
- 9 ✓ (i) Professional Paramedical Services, Inc.
430 N. 8th Street
P. O. Box 235 (19105)
Philadelphia, PA 19123
(215) 922-6006
- 10 ✓ (j) Quality Transportation Service, Inc.
937 Ridge Avenue
P. O. Box 25086 (19147)
Philadelphia, PA 19107
(215) 463-9300
- 11 ✓ (k) Willow Grove Yellow Cab Co., Inc.
701 Lincoln Avenue
Willow Grove, PA 19090
(215) 659-0245

2. The name and address of attorney for protestants named herein are:

Raymond A. Thistle, Jr.
Five Cottman Court
426 Cottman Street
Jenkintown, PA 19046
(215) 576-0131

3. The docket numbers of the protestants are as indicated below beside their abbreviated names - with pertinent authority in parenthesis:

- (a) Ardmore - A. 98533 (F.4)
(b) Bennett - A. 00089018 (F.4, Am-B)
(c) Conshohocken - A. 100317

- (d) Harp - A. 99550
- (e) Lansdale - A. 92819 (F.3)
- (f) Medi-Call - A. 102057 and A. 102057, F.1, Am-A
- (g) Montgomery County - A. 102219
- (h) Norristown - A. 137768 (F.6)
- (i) Professional - A. 00101766 (F.1, Am-A)
- (j) Quality - A. 00105354
- (k) Willow Grove - A. 85075 (F.5)

4. There are attached copies of the relevant authorities of the protestants.

5. Applicant seeks broad territorial authority:

To transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the counties of Philadelphia, Montgomery, Delaware, Chester and Bucks.

There appears to be no practical amendment to satisfy all protestants, although removal of certain counties from the application would satisfy the interest of certain protestants.

6. The basis and reasons for the objection to the request for authority are as follows:

a. The application is so broad that it encompasses all of the protestants' authorities.

b. The protestants individually and collectively are providing an adequate and efficient service to the public in the areas in which they are authorized.

c. If applicant were granted the authority it would subject protestants' accounts to diversion to applicant, thereby adversely affecting protestants' abilities to serve the public generally.

d. There are carriers who could render service in the areas now sought to be served by applicant.

e. Because of the number of carriers in the area able to serve the public in the type service proposed by applicant, there is no need for a grant of authority.

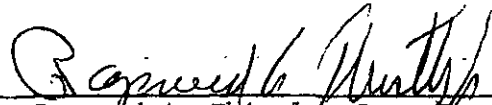
WHEREFORE, Protestants pray your Honorable Commission to deny the application for authority.

Respectfully Submitted

ARDMORE CAB CO., INC.
BENNETT TAXI SERVICE, INC.
CONSHOHOCKEN YELLOW CAB CO.
HARP BROTHERS, INC.
LANSDALE YELLOW CAB COMPANY, INC.
MEDI-CALL AMBULANCE SERVICE, INC.
MONTGOMERY COUNTY PARATRANSIT ASSOCIATION, INC.
NORRISTOWN YELLOW CAB COMPANY, INC.
PROFESSIONAL PARAMEDICAL SERVICES, INC.
QUALITY TRANSPORTATION SERVICE, INC.
WILLOW GROVE YELLOW CAB CO., INC.

DATED: October 24, 1984.

By



Raymond A. Thistle, Jr., Esq.
Five Cottman Court
426 Cottman Street
Jenkintown, PA 19046
(215) 576-0131

ARDMORE CAB CO., INC.

OPERATING AUTHORITY

A. 98533, F. 4

To transport, as a common carrier, persons in paratransit service between points in the village of Ardmore, Montgomery County, bounded as follows: Beginning at the intersection of College Lane and County Line Road, thence north on College Lane to Lancaster Avenue, thence east of Lancaster Avenue to Woodside Road, thence north on Woodside Road to Mill Creek Road, thence north on Mill Creek Road to Cherry Lane, thence east on Cherry Lane to Penn Road, thence southeast on Penn Road to Wynnewood Road, thence south of Wynnewood Road to Lancaster Avenue, thence east on Lancaster Avenue to City Avenue, thence south on City Avenue to Haverford Road, thence west on Haverford Road to County Line Road, thence west on County Line Road to College Avenue, the point of beginning:

subject to the following conditions:

That the service herein authorized is limited to transportation in vehicles having a seating capacity of not more than fifteen (15) persons including the driver;

That the service herein authorized is limited to transportation in a vehicle not reserved for individual use for which advanced reservations are made not later than the previous calendar day;

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 transport persons in group and party service, as defined in the Pennsylvania Code, Title 52, Chapter 29.16.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 29, 1983

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley

Application of Bennett Taxi Service, 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 service, between points in the townships of Radnor and Haverford, Delaware County, and the township of Lower Merion, Montgomery County; subject to the following conditions: That the service herein authorized shall be rendered in vehicles, without the use of taximeters or dome lights: SO AS TO PERMIT the transportation of persons in paratransit service, between points in the townships of Upper Merion, Lower Merion, the borough of Narberth, Montgomery County, and the county of Delaware; subject to the following conditions: That the service herein authorized is limited to transportation in vehicles having a seating capacity of not more than fifteen (15) persons including the driver; That the service herein authorized is limited to transportation in a vehicle not reserved for individual use, for which advance reservations are made not later than the previous calendar day; That no right, power or privilege is granted to provide scheduled route service as defined in the Pennsylvania Code, Title 52, Chapter 29.14; 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.

A-00089018

F. 4

Am-B

Raymond A. Thistle, Jr., for Bennett Taxi Service, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 5, 1982. Public notice of the application was given in the Pennsylvania Bulletin of August 28, 1982. Additional notice was given in the Delaware County Daily Times, edition of September 10, 1982, and in the Norristown Times Herald, edition of September 9, 1982, both of which are newspapers of general circulation published in Primos, Delaware County and Norristown, Montgomery County, respectively.

A protest filed by Brocal Corp., was withdrawn predicated upon the Commission's acceptance of a restrictive amendment which limits service in Delaware County to that provided in the townships of Radnor, Haverford, Marple and Newtown.

The now unopposed application, as amended, is certified to the Commission for its decision without hearing. The record consists of verified statements entered by the applicant and 10 supporting parties.

Robert B. Tillman, president of Bennett Taxi Service, Inc. (applicant or Bennett), set forth in his verified statement that he is familiar with all the authority, equipment, finances and operations of the applicant and is authorized to enter a statement in its behalf.

The applicant now provides paratransit service between points in Lower Merion Township, Montgomery County and Radnor and Haverford Townships, Delaware County. The applicant seeks to expand its paratransit authority to coincide with the territory it now serves in call or demand service.

The applicant operates from a facility in Bryn Mawr which is a base radio station for dispatching of cabs and paratransit vehicles. The vehicles to be used in providing paratransit service are equipped with two-way radios. Five vans are now available with which to provide the paratransit service proposed. Should the application be approved, the applicant will offer service in vans with a seating capacity of not more than 15 persons, on an advanced reservation basis. It will provide service throughout the territory authorized. The paratransit service now provided by the applicant has proven to be profitable and used by the public and it is anticipated the expanded service will be an accommodation to the public in this area.

Five persons residing in the Narberth area, Montgomery County and five persons residing in and around Broomall, Marple Township, Delaware County, have entered verified statements supporting the paratransit service proposed. The statements may be characterized as expressing a desire for paratransit service to travel from the individual's home for purposes of shopping, doctor's appointments and similar uses. The statements indicate the service would be used from one to two times each month.

DISCUSSION AND FINDINGS

The applicant seeks to expand its paratransit authority to include the townships of Upper Merion and the borough of Narberth, in Montgomery County and the townships of Marple and Newtown in Delaware County. The applicant now provides service in the townships of Lower Merion, Montgomery County and the townships of Radnor and Haverford in Delaware County. The applicant operates from a facility in Bryn Mawr. The applicant has the experience in providing paratransit service and suitable equipment for the service proposed.

Ten statements from individuals residing in the proposed territory evidence a desire for paratransit service. We are convinced from the supported entered that approval of the application will aid persons residing in this territory with finding an additional means of public transportation.

The authority under our consideration here entirely encompasses the authority now held by the applicant. The right granted in this matter is in place of the right now held.

We find:

1. The applicant has the experience, equipment and fitness necessary to render the proposed service, as amended.
2. Approval of the application, as amended, is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as amended, be and is hereby approved and that the certificate issued May 12, 1982, be and is hereby amended so that the right contained in the Commission's report and order adopted December 18, 1981 and entered January 5, 1982, shall be amended to now read as follows:

To transport, as a common carrier, by motor vehicle, persons, in paratransit service, between points in the townships of Upper Merion, Lower Merion and the borough of Narberth, Montgomery County, and the townships of Radnor, Haverford, Marple and Newtown, Delaware County.

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 in vehicles, without the use of taximeters or dome lights.

That the service herein authorized is limited to transportation in a vehicle not limited to individual use, for which reservations are made not later than the previous calendar day.

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 applicant shall not engage in any of the transportation granted herein until it shall have complied with the requirements of the Pennsylvania 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.

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,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: April 29, 1983

ORDER ENTERED: MAY 10 1983

CONSHOHOCKEN YELLOW CAB CO.

Docket A. 100317 (F.2)

To transport, as a Common Carrier, persons in paratransit service between points in the Boroughs of Conshohocken, West Conshohocken, and the Township of Whitmarsh, Montgomery County;

subject to the following conditions:

1. That the service herein authorized is limited to transportation in vehicles having a seating capacity not to exceed fifteen (15) persons including the driver without the use of dome lights and taxi meters.
2. That the service herein authorized is limited to transportation in a vehicle not reserved for individual use, for which advanced reservations are made not later than the previous calendar day.
3. That no right, power or privilege is granted to transport persons in group and party service as defined in 52 Pa. Code 829.16.
4. That no right, power, or privilege is granted to provide schedules route service as defined in 52 Pa. Code 829.14.
5. Requirement of posting notice in vehicle concerning tariff, etc. (Exact wording not available at time of protest)

Certificate No. A. 99550
Folder 3

Paratransit - PA. P.U.C. No. 2
Cancels
Paratransit - PA. P.U.C. No. 1

HARP BROTHERS, INC.

RATES AND RULES
GOVERNING THE
TRANSPORTATION OF
PERSONS

To transport, as a common carrier, 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 conditions:

1. The service herein authorized is limited to transportation in vehicles having a seating capacity of not more than fifteen (15) persons, including the driver, without the use of taximeters or dome lights.
2. The service herein authorized is limited to the transportation for which advanced reservations are made in a vehicle not reserved for individual use; with the minimum time requirement for an advanced reservation stated in the tariff.
3. The service herein authorized is subject to all rules and regulations which the Commission may subsequently adopt.
4. No right, power or privilege is granted to render scheduled or fixed route service as defined in 52 Pa. Code 29.14.
5. No right, power or privilege is granted to render group and party service as defined in 52 Pa. Code 29.16.

ISSUED: March 18, 1981

EFFECTIVE: April 18, 1981

ISSUED BY: Calvin D. Harp, Pres.
Harp Brothers, Inc.
Pottstown, Pa. 19464

LANSDALE YELLOW CAB COMPANY, INC.
T/D/B/A
NORTH PENN CARRIERS

A. 92819, F. 3

I. AUTHORIZED OPERATING AUTHORITY

To transport as a Common Carrier by motor vehicle, persons in paratransit operations in the Boroughs of Lansdale, Hatfield, Souderton and Telford, Montgomery County, Pennsylvania and in the Townships of Hatfield, Upper Gwynedd, Montgomery and Towamencin, Montgomery County, Pennsylvania.

Subject to the following conditions:

- (a) 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 certified carrier;
- (3) That no right, power, or privilege is granted to transport handicapped or wheelchair patients in vehicles with side opening doors and ramp.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held March 16, 1984

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley

Medi-Call Ambulance Service, Inc.

A-00102057

O R D E R

BY THE COMMISSION:

It appearing that the holder of the certificate of public convenience in this proceeding requests that said certificate be amended to stand in the name of Medi-Call Ambulance Service, Inc., t/d/b/a Medi-Call Paratransit, and t/d/b/a Keystone Transportation Services, and it further appearing that the said certificate holder has properly filed with the Secretary of the Commonwealth to amend its name;
THEREFORE,

IT IS ORDERED: That the certificate of public convenience issued to Medi-Call Ambulance Service, Inc. be and is hereby modified and amended to stand in the name of Medi-Call Ambulance Service, Inc., t/d/b/a Medi-Call Paratransit, and t/d/b/a Keystone Transportation Services.

IT IS FURTHER ORDERED: That no service shall be rendered under the amended name prior to compliance with the Pennsylvania Code, Title 52, §23.13 and 23.124, where applicable. Failure to comply may result in the suspension or revocation of the certificate.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: March 16, 1984.

ORDER ENTERED: March 20, 1984

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held October 16, 1980

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro

Application of Medi-Call Ambulance Service, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, in paratransit service, handicapped and disabled or elderly persons, who require assistance for personal mobility to and from the vehicle, from the patient's home or place of business in the counties of Philadelphia, Montgomery and Bucks, to doctors' offices, clinics, hospitals, laboratories and rehabilitation centers in said area, and return to the patient's home or place of business; subject to the following conditions: (1) That the service herein authorized is limited to transportation in vehicles having a seating capacity of not less than ten (10) nor more than fifteen (15) persons, including the driver; (2) That the service herein authorized is limited to transportation in a vehicle not reserved for individual use, for which advance reservations are made not later than the previous calendar day; (3) That no right, power or privilege is granted to provide scheduled route service as defined in the Pennsylvania Code, Title 52, Chapter 29.14; (4) 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 (5) 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.

A-00102057

Gay & Chacker, by Andrew G. Gay for the applicant.

Raymond A. Thistle and Michael A. Tier, for protestants; Professional Paramedical Services, Inc., Medical Transport Service, Inc., Medical Carriers, Inc. and Medicab of Philadelphia, Inc. Wolf, Block, Schorr and Solis-Cohen, by Gerald Cornish for protestant, Brocal Corp.

ORDER NISI

BY THE COMMISSION:

This matter comes before the Commission as the result of an application for paratransit authority filed by Medi-Call Ambulance Service, Inc., on March 18, 1980. Public notice of the application was given in the Pennsylvania Bulletin of April 19, 1980. Additional notice was given in the Philadelphia Daily News, the Daily Intelligencer and the Norristown Herald, Inc., all being newspapers with general circulation within the area of application.

Five carriers protested the application however, each withdrew when the applicant restrictively amended the application, limiting service through the use of three vehicles. As amended, the application is uncontested and the record is now certified to the Commission without hearing. Verified statements were submitted by the applicant and 17 supporting parties.

Medi-Call Ambulance Service, Inc. (applicant or Medi-Call) has been incorporated under the laws of the Commonwealth since November 5, 1978, and has its headquarters at 2 Ryers Avenue, Cheltenham Township, Montgomery County. Verified information on the applicant's behalf has been prepared and submitted by Jeffrey Morgan, president of the applicant corporation.

The applicant presently owns one vehicle which will be radio dispatched from a base station at Ryers Avenue in Cheltenham Township. All vehicles to be used within the proposed service will be so equipped. All of its drivers will be given a plan of safety instruction prior to operation of the vehicles. All of the vehicles will be placed on a fixed schedule for maintenance and safety checks.

An unaudited statement of income as of May 31, 1980, reveals the applicant to have had current assets of \$57,111, total assets of \$110,509 with current liabilities of \$28,993, total liabilities of \$62,891, leaving a net worth of \$47,618. An unaudited statement of income for an eight month period ending May 31, 1980, discloses that from revenues of \$237,664, it had operating expenses of \$197,258, providing a net income, after taxes, of \$33,540.

Seventeen supporting parties, all residents of various locales within the area of application attest to a need for the type of public transportation considered herein. Potential individual use of the service to numerous medical facilities ranges from as few as four times to as many as 144 times per year.

DISCUSSION AND FINDINGS

Medi-Call Ambulance Service, Inc., seeks the beginning right to render paratransit service for the handicapped, disabled or elderly, who require assistance for personal mobility to and from the vehicle, between their homes or places of business and various medical and rehabilitation facilities in the counties of Philadelphia, Montgomery and Bucks, subject to the usual conditions attendant to such authority. All protestants of record withdrew when the applicant restrictively amended the application limiting service to the use of three vehicles.

Support on the applicant's behalf has been obtained from 23 individuals residing within the area of application who meet the handicapped, disabled or elderly prerequisites stipulated in the proposed service. Collectively, the supporting parties attest to a need for the service at the rather substantial rate of at least 585 times per year and that the service presently available is inadequate. While the preponderance of the need is focused in Philadelphia, some need has been expressed for the entire area of application in general. We find that the applicant has sustained its burden of showing that a genuine public need for the service as proposed does exist. We further conclude that the applicant appears fit, ready, willing and able to adequately provide the service.

The applicant presently owns one vehicle with which it intends to initiate the service. No matter how much the future demands for its service may spiral upwards, the applicant, in its anxiety to satisfy the protestants of record, has restricted its growth potential by limiting service through the use of only three vehicles. We do not believe that an amendment of this nature is in the best interest of the public. A service need has been established and it is behooving to this Commission to refrain from reaching any determination as to the number of vehicles necessary to adequately provide the service. It is our opinion that such conclusions are best made by the carrier and should be left to management discretion. It is interesting to note that only one of the protestants of record presently operates under a limited vehicle authority and it now has an application pending to eliminate the restriction.

In deference to the protestants of record, any authority hereinafter conveyed is granted nisi in order to afford the protestants ample opportunity to register exceptions; THEREFORE,

IT IS ORDERED NISI: That the application be and is hereby approved, as modified, granting the following right:

To transport, as a common carrier, in paratransit service, handicapped, disabled or elderly persons who require assistance for personal mobility to and from the vehicle, from the patient's home or place of business in the counties of Philadelphia, Montgomery and Bucks, to doctors' offices, clinics, hospitals, laboratories and rehabilitation centers in said area, and return to the patient's home or place of business;

subject to the following conditions:

1. That the service herein authorized is limited to transportation in vehicles having a seating capacity of not less than ten (10) nor more than fifteen (15) persons, including the driver.
2. That the service herein authorized is limited to transportation in a vehicle not reserved for individual use for which advanced reservations are made at least one calendar day in advance.
3. That no right, power or privilege is granted to provide scheduled route service as defined in the Pennsylvania Code, Title 52, Chapter 29.14.
4. 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.
5. 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.

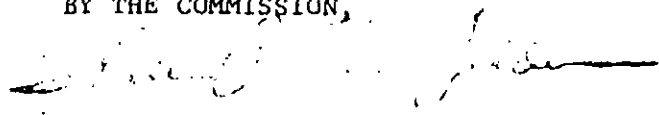
IT IS FURTHER ORDERED: That upon compliance with the requirements of the Pennsylvania Public Utility Law and the rules and regulations of the Commission relative to the filing and acceptance of evidence of insurance and a tariff establishing just and reasonable rates, a certificate be issued evidencing 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 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 unless exceptions are filed in this proceeding within twenty (20) days from the date of service, this order shall become final.

BY THE COMMISSION,



William P. Thierfelder
Secretary

(SEAL)

ORDER ADOPTED: October 16, 1980

ORDER ENTERED: OCT 27 1980



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

MAY 21 1984

March 19, 1984

IN REPLY PLEASE
REFER TO OUR FILE

A. 00102057
Folder 1, Am-A


Raymond A. Thistle, Jr., Esquire
5 Cottman Court
426 Cottman Street
Jenkintown, PA 19046

Application of MEDI-CALL AMBULANCE SERVICE, INC., a corp of the Comm. of PA

Dear Sir or Madam:

Since you have satisfied the necessary tariff requirement of the Commission's order dated February 17, 1984, you may now utilize those said rights.

Very truly yours,



Jerry Rich
Secretary

EMD

cc: Applicant
Two Ryers Avenue
Cheltenham, PA 19012

MAR 2 1984
Certification
44746

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held February 17, 1984

Commissioners Present:

- Linda C. Taliaferro, Chairman
- Michael Johnson
- James H. Cawley

Application of Medi-Call Ambulance Service, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right, to transport, by motor vehicle, in paratransit service, handicapped, disabled or elderly persons who require assistance for personal mobility to and from the vehicle, from the patient's home or place of business in the counties of Philadelphia, Montgomery and Bucks, to doctors' offices, clinics, hospitals, laboratories and rehabilitation centers in said area, and return to the patient's home or place of business; subject to the following conditions: That the service herein authorized is limited to transportation 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 in a vehicle not reserved for individual use for which advanced reservations are made at least one calendar day in advance; 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: SO AS TO PERMIT the transportation of persons in paratransit service, between points in the city and county of Philadelphia, and from points in said city and county, to points in the counties of Bucks and Montgomery, and vice versa; subject to the following conditions: That the

A-00102057
F. 1
Am-A

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

Raymond A. Thistle, Jr., for the applicant.
Gregory B. Montgomery for Transit Aide, Inc.
Wolf, Block, Schorr and Solis-Cohen by Gerald Gornish for Brocal Corp.,
t/d/b/a Alert Medical Carriers and Alert Medical Transport.
Somerson and Bomze, P.C. by Van Fleet Wilson for Care and Emergency, Inc.
German, Gallagher & Murtagh by Thomas E. Butler, Jr. for Hospital
Ambulance Service, Inc.
Louis J. Carter for Robert W. Brown, Jr., and Yellow Limousine Service, Inc.
White, Mathews and DeLaney by Peter D. DeLaney for Reitter Employment
Service, Inc., t/d/b/a Handi-Wheels.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed April 28, 1983. Public notice of the application was given in the Pennsylvania Bulletin of June 25, 1983. Additional public notice was given in the Philadelphia Daily News, a newspaper of general circulation within the area of application.

Protests to the application were filed by Transit Aide, Inc., Brocal Corp., t/d/b/a Alert Medical Carriers and Alert Medical Transport, Care and Emergency, Inc., Hospital Ambulance Service, Inc., Yellow Limousine Service, Inc., Robert W. Brown, Jr. and Reitter Employment Service, Inc., t/d/b/a Handi-Wheels. Upon reconsideration, the protests of Brocal Corp., t/d/b/a Alert Medical Carriers and Alert Medical Transport, Care and Emergency, Inc., Hospital Ambulance Service, Inc., Robert W. Brown, Jr., and Yellow Limousine Service, Inc. were withdrawn without amendment. Administrative Law Judge Isadora Kranzel dismissed the protest of Reitter Employment Service, Inc., t/d/b/a Handi-Wheels for lack of standing to protest, and Transit Aide, Inc. for lack of prosecution.

The application is now unopposed and the record is certified to the Commission for its decision. The record consists of a verified statement submitted by the applicant and by 13 supporting parties.

Jeff Morgan, president of Medi-Call Ambulance Service, Inc. (applicant), Two Ryers Avenue, Cheltenham, Montgomery County, sets forth in support of the pending application that the applicant currently holds and operates authority issued by the Pennsylvania Public Utility Commission.

Pursuant to said authority, the applicant provides "medical" paratransit service. From the aforementioned address, the applicant dispatches all equipment which is comprised of one van and one station wagon. The applicant has on order one additional van and one additional station wagon. All vehicles are equipped with two-way radios which permit the applicant to radio dispatch its equipment.

The applicant is providing service for several of the supporting parties which require that their clients have assistance for mobility to and from the vehicle. However, these supporting parties also have clients that do not require assistance and who desire transportation to other points other than medical facilities. The proposed transportation will consist of service on advanced reservation basis only, with the vehicle not limited to the exclusive use of one individual. The service will permit several passengers to share the expense of transportation to theaters, shopping malls, grocery stores and visits to friends and churches within the area of application.

The unaudited balance sheet of the applicant indicates that it had as of September 30, 1983, total current assets of \$304,176, total assets of \$498,543, total current liabilities of \$78,351 and retained earnings of \$273,893. The income statement for the year ending September 30, 1983, indicates that from total income of \$1,545,953, the applicant generated a net income after taxes of \$85,313.

Jack Weiss and Evelyn Weiss, 1607 Borbeck Street, Philadelphia, states that they anticipate utilizing the applicant two or three times per week to visit their children in Bucks County or for shopping trips in Northeast Philadelphia and Center City. On occasion, they also will rely upon the applicant for transportation to entertainment centers within the area of application. They do not currently have drivers license and would find the proposed service very convenient.

Morris and Mary Pressler, 1829 Beyer Avenue, Philadelphia, states that they intend to use the applicant's proposed service six to eight times per month. They would use the service for transportation for shopping trips as well as to visit friends located in Northeast Philadelphia, Somerton and Jenkintown. The service currently authorized is not always available when needed.

Nathan and Celia Raevski, 1601B Mt. Airy Avenue, Philadelphia, states that they would utilize the applicant's service to visit children, grand children and great grand children at least twice a week. This transportation would consist of travel from their place of residence to Northeast Philadelphia and Feasterville, Bucks County. Service is similar to the applicant's proposed service have been unsatisfactory in the past.

Barbara Becker, 6739 Gillespie Street, Philadelphia, states that it would be advantageous to utilize the applicants service once or twice a week to travel to visit her son in Montgomery County and for doctor visits and shopping. She has tried other services and has found them unreliable.

Ellen Abrohms, 817 Green Ridge Circle, Langhorne, Bucks County, states that as an individual she would use the proposed service one or two times per week. She would utilize the service to visit her mother in Erdenheim, Montgomery County and for shopping trips to Centre City, Philadelphia. She requires the proposed service due to the lack of public transportation in the area which she resides.

Lill Ungar, 38 County Line Road, Huntingdon Valley, Montgomery County, states that she would utilize the service at least once a week to visit her mother in Northeast Philadelphia or for shopping trips in Northeast Philadelphia. There is currently no service available in the area in which she resides.

Jay Milgram, 1110 Unruh Street, Philadelphia, indicates that he would utilize the proposed service once a week for trips to work in Bucks County when his car is not available. He has found similar services unreliable.

Mildred Mielziner, 7700 Stenton Avenue, Marsdon Building, Bl, Philadelphia, sets forth that she would utilize the proposed service for trips to shopping areas and to visit her brother in Northeast Philadelphia. She anticipates utilizing the service approximately two times per week. She has utilized the applicant service in the past and has been very satisfied.

Max Sher, 5704 North 5th Street, Philadelphia, states that he would use the proposed service twice a week for transportation to card games held in Northeast Philadelphia. He has tried other services and has found them to be unsatisfactory.

Sarah Federman, 2201 Tremont Street, Philadelphia, states that she would utilize the proposed service twice a week for trips to and from a hairdresser located in West Oak Lane. She would also rely upon the applicant for transportation to shopping centers and to her daughters residence in Fort Washington. She has tried other services and has been disappointed due to the fact that vehicles were not clean and the schedule did not meet her needs.

Goldie Moscowitz, 9843 Wisteria Street, Philadelphia, indicates that she would rely upon the applicant for transportation at least three times a week, twice a day. She would require transportation to her part time job located in Center City Philadelphia and return. She seeks a service that would provide door to door transportation.

Shirley Goldstein, Cedarbrook Hill Apartments, Wynocote, Montgomery County, indicates that she would utilize the proposed service at least once per week for transportation to her hairdresser located in Northeast Philadelphia. Also, she would rely upon the applicant for transportation to the Philadelphia International Airport.

Samuel Lewis, executive director of the Uptown Home For The Aged, 7800 Bustleton Avenue, Philadelphia, states that the home is a residence for senior citizens who would rely upon the applicant for transportation to visit relatives, friends, shopping centers, banks, and entertainment areas. Transportation would originate at the home in Philadelphia and would be destined for other points within Philadelphia and to points in the counties of Bucks and Montgomery. The home has relied upon the applicant in the past and believes that the proposed service will fill a gap in the current transportation area.

Susan Lodge, R.N., on behalf of Franklin Dialysis, 700 Spruce Street, Philadelphia, sets forth that they have patients who would rely upon the service for transportation from their homes to Franklin Dialysis and return. It is anticipated that the patients would utilize the proposed service a minimum of three times per week per patient. Franklin Dialysis has utilized the applicant in the past and will do so again.

DISCUSSION AND FINDINGS

The applicant is a currently certificated paratransit carrier that it authorized to provide service, limited to individuals requiring assistance to and from the vehicle, in the counties of Bucks, Montgomery and Philadelphia. This service is further limited to transportation to doctors' offices, clinics, hospitals, laboratories and rehabilitation centers. The applicant now seeks authority that would permit unlimited paratransit service between points in the city and county of Philadelphia and from said city and county, to points in the counties of Bucks and Montgomery, and vice versa.

The authority sought herein does duplicate a portion of the applicant's current authority, in that both authorities authorize service between points in the city and county of Philadelphia and transportation from the city and county of Philadelphia to points in the counties of Bucks and Montgomery, and vice versa. The proposed authority will not authorize service between points in the counties of Bucks or Montgomery, or from points in Bucks County to points in Montgomery County, or vice versa.

The supporting witness, Ellen Abrohms, stated that she would utilize the proposed service from Langhorne, Bucks County, to Erdenheim, Montgomery County. This transportation would not be authorized under the authority sought herein. The applicant is advised to act prudently in regards to the difference in the operational area currently authorized and that sought herein.

There appears to be no evidence that would demonstrate that the applicant is not equipped or capable of providing the proposed transportation. The applicant has been engaged in providing "medical" paratransit service since November, 1980. It currently operates two vehicles and has two additional vehicles on order.

The 13 supporting parties have stated a desire to utilize the proposed service for a variety of reasons, the primary reason being the reluctance to utilize public transit. These witnesses have also indicated that they desire the proposed paratransit to permit them to visit family members, shopping centers and entertainment areas within the area of application.

We find:

1. That the applicant is fit, willing and able to provide the proposed transportation.
2. That the applicant has demonstrated that a public need exists for the proposed transportation.
3. That approval of the application will be an accommodation and convenience to the public; THEREFORE,

IT IS ORDERED: That the application, be and is hereby approved, and that the certificate issued to the applicant on November 19, 1980, be amended to include the following right:

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

subject to the following condition:

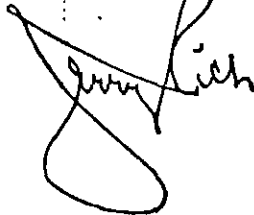
That the applicant shall comply with all the rules and regulations as set forth in 52 Pa. Code §29.353 and §29.354.

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 Pennsylvania Public Utility Law 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.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a horizontal line.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: February 17, 1984

ORDER ENTERED: FEB 28 1984

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Application of Montgomery County Paratransit 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 transportation 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.

A. 102219

Application of Montgomery County Paratransit 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:

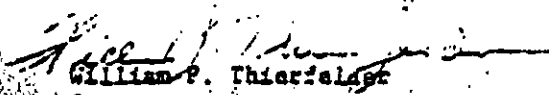
1. That the application of Montgomery County Paratransit Authority at Docket No. A. 102219, F.1., be and is hereby approved and that a certificate be issued to applicant granting the following rights:

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 1960

PARATRANSIT TARIFF

NORRISTOWN YELLOW CAB COMPANY, INC.

A-000137766, F.6

I. AUTHORIZED OPERATING AUTHORITY

To transport, as a common carrier, persons in paratransit service, between points in the borough of Norristown, Montgomery County, and within an airline distance of five (5) statute miles of the limits of the said borough, excluding the boroughs of Conshohocken and West Conshohocken, and the township of Whitmarsh, all in Montgomery County. Subject to the following conditions:

- a. That the service herein authorized is limited to transportation in vehicles having a seating capacity not to exceed fifteen (15) persons including the driver.
- b. That the service herein authorized is limited to transportation in a vehicle not reserved for individual use, for which advanced reservations are made not later than the previous calendar day.
- c. That no right, power, or privilege is granted to provide scheduled route service as defined in 52 Pa. Code §29.14.
- d. That no right, power or privilege is granted to transport persons in group and party service as defined in 52 Pa. Code §29.16.
- e. That no right, power or privilege is granted to operate vehicles equipped with taximeters or dome lights.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 15, 1982

Commissioners Present:

Susan M. Shansman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro
Clifford L. Jones

Application of Professional Paramedical Services, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of persons in paratransit service, between points in the city and county of Philadelphia, and from said points in said city and county, to points in the counties of Bucks, Montgomery, Delaware and Chester, and vice versa; subject to the following conditions: (1) That the service herein authorized is limited to transportation in vehicles having a seating capacity of not more than fifteen (15) persons, including the driver; (2) That the service herein authorized is limited to transportation in a vehicle not reserved for individual use, for which advanced reservations are made not later than the previous calendar day; (3) That no right, power or privilege is granted to provide scheduled route service as defined in the Pennsylvania Code, Title 52, Chapter 29.14; (4) 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 (5) 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.

A-00101766
F. 1.
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Raymond A. Thistle, Jr., for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed July 22, 1981. Public notice was given in the Pennsylvania Bulletin of September 19, 1981 and in the Philadelphia Daily News, the latter being a newspaper of general circulation within the area of application. There are no protests and the record is now certified to the Commission without hearing. Verified statements were submitted by the applicant and two supporting parties.

Professional Paramedical Services, Inc. (or applicant) is a Pennsylvania corporation domiciled at 937 Ridge Avenue in the city of Philadelphia. It is represented herein by verified information submitted by its president and sole stockholder, Frederick D. Kroon. It currently holds a certificate at Folder 1 which authorizes the transportation of persons with physical or mental disabilities between their homes and various treatment facilities in Philadelphia and from points in Philadelphia to points in Bucks, Montgomery, Delaware and Chester Counties, and vice versa. An order was prepared against the applicant (still pending) to show cause why the certificate should not be cancelled in order to conform with the ruling of the Commonwealth Court in Durrall Chappell v. Pennsylvania Public Utility Commission, 2278 C.D. (Commonwealth Ct. 1980, February 19, 1981).

The applicant has a garage and office facilities at 937 Ridge Avenue from which it operates nine modified passenger vans and one passenger car, all radio-equipped. A safety program is maintained and it is familiar with the prescribed safety regulations. It is presently rendering substantial service within its present authority, handling many hundreds of passenger trips weekly. The need for non-medical transportation such as herein proposed became known to the applicant because of the present service. Under the proposed service, it plans to transport persons from their homes, hospitals and clinics, to and from non-medical facilities and for other purposes such as social events, sports events, shopping centers, libraries, recreational facilities, etc.

The applicant is supported by the West Philadelphia Community Mental Health Consortium, Inc., and the Geriatric Day Hospital, both located in Philadelphia. Both institutions attest to a need for the transportation of patients or clients for non-medical purposes such as trips from the persons' homes or other locations to theaters, food-stores, shopping centers, libraries, recreational areas, etc., located throughout the application territory. These trips are in addition to the medically related service the applicant has been providing and will continue to provide.

DISCUSSION AND FINDINGS

By this application, Professional Paramedical Services, Inc., a Philadelphia based common carrier, seeks authority which would give it the right to transport persons in paratransit service between points in the city and county of Philadelphia and from points in the city and county of Philadelphia to points in Bucks, Montgomery, Delaware and Chester Counties, and vice versa. Unlike the authority it now holds to transport mentally or physically disabled persons in paratransit service between their homes and medically related institutions in the same 5 county area, the service it proposes here would be held open to the public, including the patients it now transports who wish to go to places such as shopping centers, libraries, recreational facilities, etc.

The application is unopposed and it is our opinion that the public need expressed by the supporting parties for transportation services for non-medical purposes is sufficient to warrant a grant of the authority under consideration. Its fitness appears to be of little issue. The ratio of current assets to current liabilities is favorable and its net worth exceeds \$188,000. Operations during the past year resulted in an enviable profit of \$108,411. In addition, it has an ample supply of proper equipment and it does maintain a supervised safety program.

We find:

1. That the application is properly before us since the service as proposed is within the jurisdiction of the Commission.
2. That a reasonable public need for the service proposed has been shown to exist.
3. That the applicant is fit, ready, willing and able to adequately provide the service proposed.
4. 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 September 30, 1980, be amended to include the following right:

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

subject to the following condition:

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

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 Pennsylvania Public Utility Law and the rules and regulations of the 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 applicant, shall not be construed as conferring more than one operating right.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: April 15, 1982

ORDER ENTERED: APR 20 1982

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

IN THE MATTER OF THE APPLICATION OF

QUALITY TRANSPORTATION SERVICE, INC.

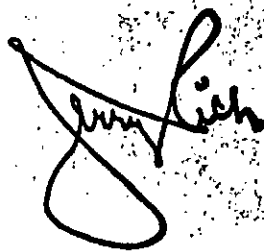
**CERTIFICATE
OF
PUBLIC CONVENIENCE**

A. 00105354
Folder 1

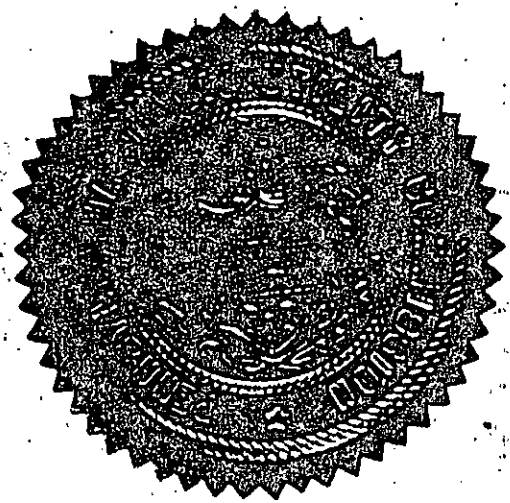
The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and entered, a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

In Testimony 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 22nd day of AUGUST 19 84.

Attest:



**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held July 6, 1984

Commissioners Present:

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

Application of Quality Transportation
Service, Inc., for approval of the
transfer to it of all of the operating
right held by Ambulance Corporation of
America, t/d/b/a Major Ambulance Service
at A-00102183.

A-00105354

O R D E R

BY THE COMMISSION:

By application docketed March 7, 1984, Quality Transportation Service, Inc., a corporation of the Commonwealth of Pennsylvania, Philadelphia, seeks approval of the transfer to it of all the paratransit right granted to Ambulance Corporation of America, t/d/b/a Major Ambulance Service, a corporation of the Commonwealth of Pennsylvania, under the certificate issued at A-00102183.

We find the applicant to be fit to hold a certificate of public convenience and that approval of the application is necessary and proper for the continuation of service to the public; THEREFORE,

IT IS ORDERED: That the application for the transfer of right held by Ambulance Corporation of America, t/d/b/a Major Ambulance Service, at A-00102183 be approved and that a certificate be issued to the applicant granting the following right:

To transport, as a common carrier, by motor vehicle, persons, in paratransit service, in modified motor vehicles with side opening doors and ramps, elderly, disabled or physically handicapped and ambulatory or wheelchair bound persons who require assistance for personal mobility to or from the vehicle, between points in the City and County of Philadelphia;

subject to the following conditions:

That the service herein authorized is limited to the transportation 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 in a vehicle not reserved for individual use, for which advance reservations are made no later than the previous calendar day.

That no right, power or privilege is granted to render scheduled or fixed route service, as presently defined in the Pennsylvania Code, Title 52, Chapter 29.14.

That no right, power or privilege is granted to render call or demand service as defined in the Pennsylvania Code, Title 52, Chapter 29.15.

That no right, power or privilege is granted to render group and party service as presently defined in the Pennsylvania Code, Title 52, Chapter 29.16.

with the above right further subject to the following general conditions:

1. 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 right 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.
2. That applicant shall not record in its utility accounts any amount representing the right herein granted in excess of the actual cost of such right to the original holder thereof.
3. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom.

4. That the operating authority granted herein, or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
5. That the certificate holder shall comply with all of the provisions of the Public Utility Law as now existing or as may hereafter be amended, and Pa. Code Title 52, Chapter 31, as now existing or as may hereafter be amended, and any other rules and regulations as may hereafter be prescribed by the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the rights and privileges conferred by the certificate.
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 entity, without the prior filing of an application and approval thereof by the Commission under Section 1102(3) of Title 66, PA C.S.A.

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

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending submission of transferor's Annual Report for the year 1983, and any accompanying fine; and transferor's Assessment Report and Assessment due for fiscal year 1984-85.

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 right granted the transferor Ambulance Corporation of America, t/d/b/a Major Ambulance Service, a corporation of the Commonwealth of Pennsylvania at A-00102183 be cancelled and the record be marked closed.

BY THE COMMISSION,


Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: July 6, 1984

ORDER ENTERED: July 10, 1984

PARATRANSIT TARIFF
WILLOW GROVE YELLOW CAB CO., INC.

A. 85075, F. 5.

AUTHORIZED OPERATING AUTHORITY

To transport as a common carrier by motor vehicle persons in paratransit operations between points in the Townships of Upper Moreland and Marshan, 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 Fitzwater Road; thence northwardly on Fitzwater Road to a line running along Patane Avenue, as it would be extended westwardly; thence on the said line to Patane Avenue beginning at Lincoburgh 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

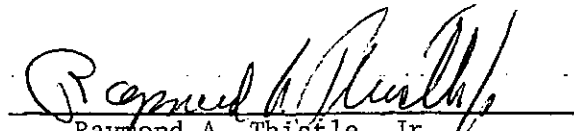
Between points in the Townships of Warminster, Warrington, and Warwick, and the Borough of Ivyland, all in the County of Bucks, subject to the following conditions: (1) That the service herein authorized is limited to transportation in vehicles having a seating capacity of no more than fifteen (15) persons, 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; and (4) That no right, power, or privilege is granted to transport handicapped or wheelchair patients in vehicles with side-opening doors and ramps.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he, on the date indicated below, served a copy of the foregoing Joint Protest upon the applicant, also listed below at the address indicated, by placing the same with the United States Postal Service, first-class mail, postage prepaid:

David R. Height, III, t/d/b/a
Peach Transportation
6220 Race Street
Philadelphia, PA 19139

Dated at Jenkintown, PA, this 24th day of October, 1984.


Raymond A. Thistle, Jr.
Attorney for Protestants

BLANK, ROME, COMISKY & MCCAULEY

FOUR PENN CENTER PLAZA
PHILADELPHIA, PENNSYLVANIA 19103

215-569-5500

TWX 710-670-1073 • BLARCOM

TELECOPIER 215-564-5399

4770 BISCAYNE BOULEVARD
MIAMI, FLORIDA 33137
305-573-5500

1665 PALM BEACH LAKES BLVD.
WEST PALM BEACH, FLORIDA 33401
305-686-8100

330 MADISON AVENUE
NEW YORK, NEW YORK 10017
212-687-7110

2000 PENNSYLVANIA AVE., N. W.
WASHINGTON, DC 20006
202-457-7700

89 HADDON AVENUE
HADDONFIELD, NJ 08033
609-354-1400

DIRECT DIAL NUMBER:
215-569-5630

FILE

October 25, 1984

RECEIVED

OCT 29 1984

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
G-18 North Office Building
Harrisburg, PA 17120

**SECRETARY'S OFFICE
Public Utility Commission**

Re: Application of David R. Height, III
A-00105714

Dear Mr. Rich:

Enclosed for filing please find an original and two copies of the Protest of Metro Transportation Co. to the above-captioned Application. A copy has been mailed directly to the Applicant.

Very truly yours,

K H Larkin

KATHLEEN HERZOG LARKIN

ers

Enclosures

cc: Mr. David R. Height, III
Raymond A. Thistle, Jr., Esquire

RECEIVED

OCT 29 1984

**Non-Rail Transportation
Public Utility Comm**

**DOCUMENT
FOLDER**

RECEIVED

OCT 29 1984

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

Public Utility Comm

OCT 29 1984

IN RE: APPLICATION OF DAVID R. : A-00105714
HEIGHT, III, t/d/b/a PEACH :
TRANSPORTATION. :

SECRETARY'S OFFICE
Public Utility Commission

Application for the transporta- :
tion of persons, in paratransit :
service, between points in the :
counties of Philadelphia, Mont- :
gomery, Delaware, Chester and :
Bucks. :

FILE

PROTEST OF METRO TRANSPORTATION CO. TO
APPLICATION OF DAVID R. HEIGHT, III,
t/d/b/a PEACH TRANSPORTATION.

1. Metro Transportation Co., t/a Yellow Cab Co. ("Metro"), protests to the Application filed by David R. Height, III, t/d/b/a Peach Transportation, 6220 Race Street, Philadelphia, Pennsylvania 19139 ("Applicant").

2. Metro is a certificated public utility holding 798 Certificates of Public Convenience authorizing it to provide call and demand service in Philadelphia County and in portions of surrounding counties. The address of Metro is 1010 Arch Street, Philadelphia, Pennsylvania 19107, and its telephone number is (215) 922-7180.

3. Metro's attorney is Blank, Rome, Comisky & McCauley, Attention: Kathleen Herzog Larkin, Esquire, 1200 Four Penn Center Plaza, Philadelphia, Pennsylvania 19103, (215) 569-5500.

DOCKETED
APPLICATION DOCKET
OCT 31 1984
ENTRY No. NIC

4. Applicant is seeking the authority to provide paratransit service between points in the counties of Philadelphia, Montgomery, Delaware, Chester and Bucks.

5. A significant portion of Metro's revenue per year is generated as a result of Metro's participation in a program sponsored by the Pennsylvania Department of Transportation ("PennDOT"), which program provides 75% subsidized rides for senior citizens who are unable to utilize mass public transportation. Another significant portion of Metro's revenue is generated by providing shared-ride service to individuals who are unable to utilize mass public transportation for any reason, including mental and physical disabilities. This transportation is provided in four-door vehicles.

6. Metro and Applicant will be directly competitive for the same ridership and may be directly competitive for funding from PennDOT and other state agencies. A copy of Metro's certificated area is attached hereto as Exhibit "A", and copies of its regular metered tariff and its shared-ride tariff (under which it participates in the PennDOT Program), are attached hereto as Exhibits "B" and "C", respectively.

7. Under the PennDOT Program, Metro presently provides approximately 4,100 rides per week to senior citizens in the Philadelphia area through the use of its four-door sedan vehicles (i.e. traditional taxi vehicles), which are equipped

with radio dispatch equipment and a meter. Metro has the ability, and stands ready, to provide additional rides to all senior citizens who qualify under this Program.

8. If the Application is granted, it will have an adverse impact upon Metro in that:

(a) Applicant may be granted the right to operate an unlimited number of vehicles (its published Application contains no vehicle limitation).

(b) Applicant may be granted the right to use four-door vehicles in the operation of its paratransit service, as other paratransit operators have done.

(c) Applicant, upon the grant of these rights, may file a tariff which has a short advance-reservation period, as other paratransit operators have been permitted, thus providing the Applicant with virtual call and demand service.


(d) Applicant may equip its four-door vehicles with radio transmission, thus providing the equivalent of Metro's shared-ride call and demand service.

9. There is no amendment to the Application which is acceptable to Metro.

10. Protests to this Application are due by October 29, 1984. This is a timely protest, and therefore, Metro is entitled to participate in this proceeding as a party intervenor, pursuant to Pa. Code §3.381.

WHEREFORE, Metro respectfully requests that this Commission deny the Application of David R. Height, III, t/d/b/a Peach Transportation.

Respectfully submitted,


KATHLEEN HERZOG LARKIN
ZENOLA HARPER
Blank, Rome, Comisky & McCauley
1200 Four Penn Center Plaza
Philadelphia, PA 19103
(215) 569-5500

Counsel for Metro Transportation Co.

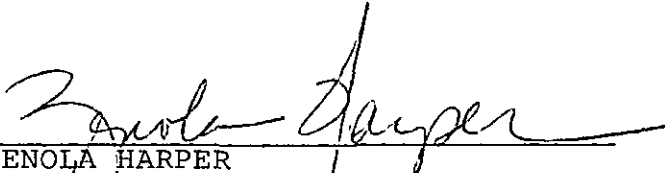
Dated: October 25, 1984

CERTIFICATE OF SERVICE

I hereby certify that on this 25th day of October, 1984, I served by first-class mail, postage prepaid, a copy of the foregoing Protest of Metro Transportation Co. to the Application of David R. Height, III, t/d/b/a Peach Transportation, upon the following:

David R. Height, III, t/d/b/a
Peach Transportation
6220 Race Street
Philadelphia, PA 19139

Raymond A. Thistle, Jr., Esquire
426 Cottman Street
Jenkintown, PA 19046


ZENOLA HARPER
Blank, Rome, Comisky & McCauley
1200 Four Penn Center Plaza
Philadelphia, PA 19103
(215) 569-5500

Counsel for Metro Transportation Co.

OPERATING AUTHORITY OF METRO TRANSPORTATION CO.

To transport, as a common carrier, by motor vehicle, persons, upon call or demand and parcels, packages and property in taxicabs, in the city and county of Philadelphia and that area bounded by a line beginning on the north of the Delaware River at the Philadelphia County Line, thence northwardly, westwardly and southwestwardly along the Philadelphia County Line to Philmont Avenue, thence southwestwardly along Philmont Avenue, Welsh Road, Valley Road, Washington Lane, Township Line to Glenside Avenue (excluding any portion of the borough of Jenkintown), Easton Road, Church Road and Paper Mill Road to the Philadelphia County Line (Stenton Avenue), thence westwardly along the Philadelphia County Line and Blue Bell Road to Joshua Road, thence southwestwardly along Joshua Road to Cedar Grove Road, thence southeastwardly along Cedar Grove Road and the Schuylkill River joining the Philadelphia County Line and continuing to Port Royal Avenue, thence across the Schuylkill River to Mill Creek Road, Montgomery County, thence southwestwardly along Mill Creek Road, Lancaster Avenue, Ardmore Avenue into Delaware County, and continuing along Ardmore Avenue into Delaware County, and continuing along Ardmore Avenue, Ellis Road, Lawrence Road and Darby Creek Road to Darby Creek; thence southwardly along Darby Creek to State Road, thence southwardly along State Road, Springfield Avenue, Saxer Avenue, Baltimore Avenue, Woodland Avenue, and Kedron Avenue to MacDade Boulevard, thence northeastwardly along MacDade Boulevard to Winona Avenue, thence southwardly along Winona Avenue continuing in a straight line to the Delaware River, and thence northwardly along the Delaware River to the place of beginning; and persons upon call or demand in the boroughs of Norwood, Prospect Park, Ridley Park and Rose Valley, the townships of Ridley, Tinicum, Nether Providence, the village of Moylan and including Lester and Essington, all in Delaware County; limited to the operation of one (1) vehicle;

(Tx-P Nos. 601 - 1400)

(Supplement No. 4 contains all supplements)

to
Call or Demand - Pa. P.U.C. No. 1
(Cancels Supplement Nos. 1, 2 & 3)

METRO TRANSPORTATION CO.

t/d/b/a

YELLOW CAB CO.

RATES AND RULES
GOVERNING THE
TRANSPORTATION OF
PERSONS
AND
PROPERTY

(As designated herein)

ISSUED: November 3, 1983

EFFECTIVE: November 4, 1983

(Issued on one day's notice in accordance with the Commission's order of November 2, 1983 at R-832432)

ISSUED BY: Brian Somerman, President
P.O. Box 11285
Elkins Park, Pa. 19117

Section 1 and Section 2 Rates are changed in accordance with the Commission's order of November 2, 1983 at R-832432.

SECTION 1

(Cancels Section 1 of Supplement No. 2 and Page 9 of Tariff)

SCHEDULE OF RATES

Metered Service - less than 30 miles:

First 1/6 mile or fraction thereof	\$ 1.00	(A)
Each additional 1/6 mile or fraction thereof	.22	(A)
Waiting time - each two minutes	.30	(A)
Charge per trip when the taxicab is occupied by any number of passengers in excess of one passenger, provided, however, that this charge will not be imposed when the additional passengers are under five (5) years of age.	.20	

Metered Service - over 30 miles: See Map - Page 3 herein (Note 1)

Out of town trips to points in Pennsylvania beyond thirty (30) miles from City Hall, Philadelphia:

Portion of trip within a radius of 30 miles from City Hall, Philadelphia, to be charged at metered mileage rate (\$1.32 per mile); beyond 30 miles from City Hall, Philadelphia, to be charged at metered mileage rate for the round-trip mileage between such point and destination, plus regular waiting time rate, with privilege of return at no additional charge to point 30 miles from City Hall, Philadelphia. (A)

Service by the Hour:

First hour or fraction thereof	\$ 13.00	(A)
Each additional 1/4 hour or fraction thereof	3.25	(A)

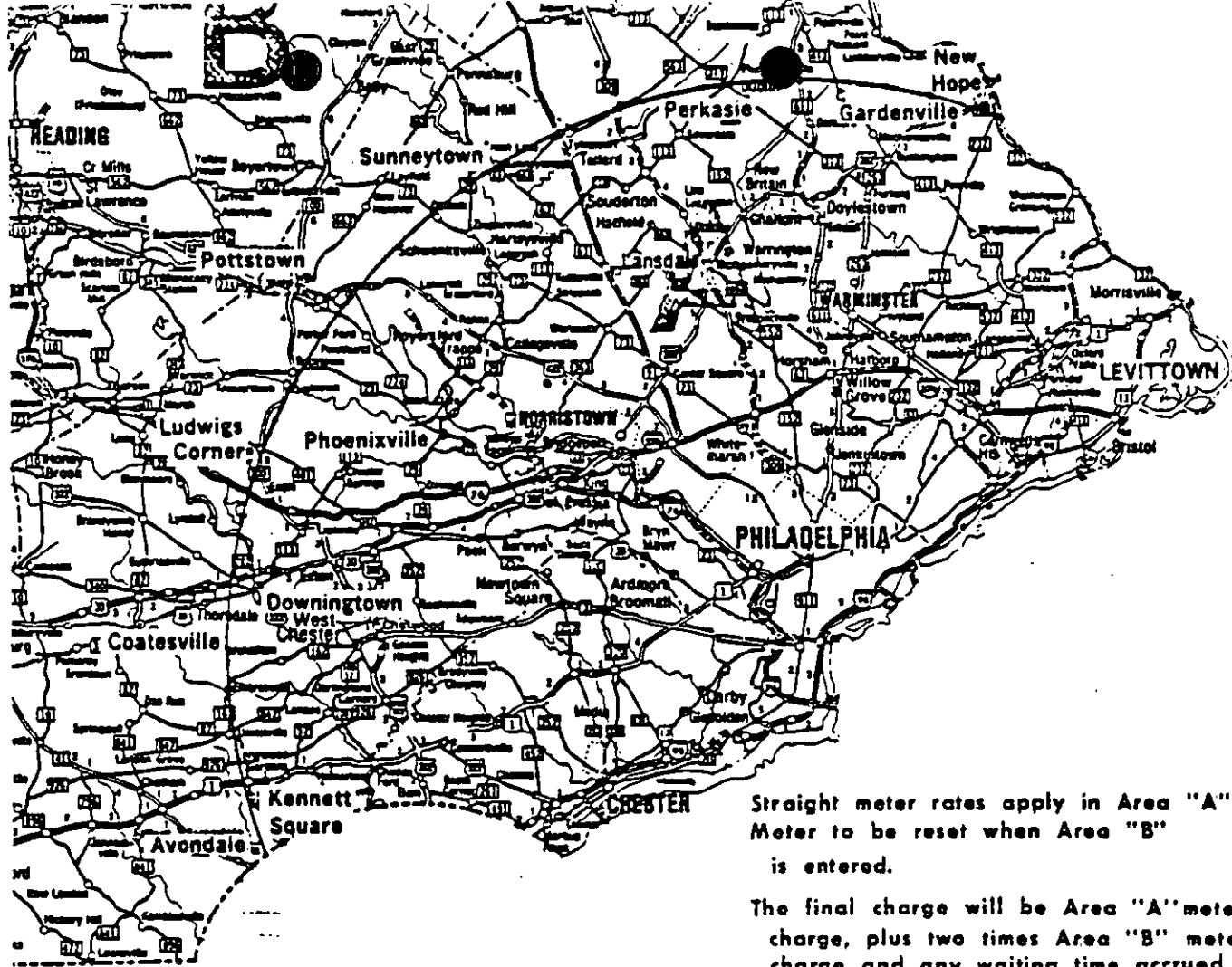
(This service will be rendered only when equipment is available without interruption of regular metered service).

Baggage:

Small trunks carried inside cabs	No charge
Hand baggage	No charge

NOTE 1 - For the convenience of passengers, a map designating the 30-mile area will be displayed in the taxicab.

(A) Indicates increase in rates



Straight meter rates apply in Area "A".
 Meter to be reset when Area "B"
 is entered.

The final charge will be Area "A" meter
 charge, plus two times Area "B" meter
 charge and any waiting time accrued.

SECTION 2

(Cancels Section 2 of Supplement 2 and Page 14 of Tariff)

PARCELS, PACKAGES AND PROPERTY

SCHEDULE OF RATES

Metered Service:

First 1/6 mile or fraction thereof	\$ 1.00	(A)
Each additional 1/6 mile or fraction thereof	.22	(A)
Waiting time - each two minutes	.30	(A)

Service Charge (Added to above rates):

Each shipment	.25
---------------	-----

NOTE: A "shipment" as used in this tariff refers to all merchandise transported from one sender at one address to one receiver at one address at one time in the same taxicab.

LIST OF CHANGES MADE BY THIS TARIFF

The rates set forth on Page 4 are increased by twenty (20%) percent.

The requirement that coupon books be used is eliminated.

OPERATING AUTHORITY

To transport, as a common carrier, by motor vehicle, persons, upon call or demand, and parcels, packages and property at the same basic metered rate charged passengers, in taxicabs, in the city and county of Philadelphia and that area bounded by a line beginning on the north of the Delaware River at the Philadelphia County Line, thence northwardly, westwardly and southwestwardly along the Philadelphia County Line to Philmont Avenue, Welsh Road, Valley Road, Washington Lane, Township Line to Glenside Avenue (excluding any portion of the borough of Jenkintown), Easton Road, Church Road and Paper Mill Road to the Philadelphia County Line (Stenton Avenue), thence westwardly along the Philadelphia County Line and Blue Bell Road to Joshua Road, thence southwestwardly along Joshua Road to Cedar Grove Road, thence southwestwardly along Cedar Grove Road and the Schuylkill River joining the Philadelphia County Line and continuing to Port Royal Avenue, thence across the Schuylkill River to Mill Creek Road, Montgomery County, thence southwestwardly along Mill Creek Road, Lancaster Avenue, Ardmore Avenue into Delaware County, and continuing along Ardmore Avenue into Delaware County, and continuing along Ardmore Avenue, Ellis Road, Lawrence Road and Darby Creek Road to Darby Creek; thence southwardly along Darby Creek to State Road, thence southwardly along State Road, Springfield Avenue, Saxer Avenue, Baltimore Avenue, Woodland Avenue, and Kedron Avenue to MacDade Boulevard, thence northeastwardly along MacDade Boulevard to Winona Avenue, thence southwardly along Winona Avenue continuing in a straight line to the Delaware River, and thence northwardly along the Delaware River to the place of beginning; and persons upon call or demand in the boroughs of Norwood, Propsect Park, Ridley Park and Rose Valley, the townships of Ridley, Tinicum, Nether Providence, the village of Moylan and including Lester and Essington, all in Delaware County; limited to the operation of one (1) vehicle on each certificate;

That the vehicle shall be numbered as indicated in the Order, said number to be displayed on the side of each front quarter panel and the right rear trunk lid. Each digit of the number shall be not less than 2" in width and 4" in height, and the number shall be painted in a color contrasting to the color of the vehicle. This condition supersedes the marking regulations listed at 52 Pa. Code §29.71(c).

SHARED RIDE RATES (PER PERSON)

(ONE TO FOUR PERSONS)

RATES

Rates are determined by the number of grids traversed and are on a per passenger basis (see Page 4).

For map showing grids, see Page 5.

ADVANCE NOTICE

Advance notice must be given by at least 4:00 p.m. of the previous day.

DAYS AND HOURS OF OPERATION

Service will be available seven days a week.

SENIOR CITIZEN RATES

The rates for senior citizens, showing proper identification, will be 50 cents or 25% of the shared ride (rounded to the nearest 50 cents).

SHARED RIDE RATES (PER PERSON)

(A)

<u>Number of Grids</u>	<u>Cost Per Person</u>
1	\$ 2.40
2	4.20
3	6.00
4	7.80
5	9.60
6	11.40
7	13.20
8	15.00
9	16.80
10	18.60
11	20.40
12	22.20
13	24.00
14	25.80
15	27.60
16	29.40
17	31.20
18	33.00
19	34.80
20	36.60

Note: The number of grids are counted vertically and horizontally - never diagonally.

(A) Indicates increase in rates.

RECEIVED

OCT 30 1984

RECEIVED

OCT 29 1984

Non-Local Transportation

Public Utility Comm.

BEFORE THE

SECRETARY'S OFFICE
Public Utility Commission

PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION OF DAVID R. HEIGHT, III, t/d/b/a
PEACH TRANSPORTATION

DOCKET A- 00105714

FILE

PROTEST TO APPLICATION
FOR AUTHORITY

1. The name, address and telephone number of
protestant is:

Brocal Corp.
218 N. 13th Street
Philadelphia, PA 19107
(215) 568-5995
A-00101594

2. The name, address and telephone number of
the attorney for protestant is:

Gerald Gornish
Wolf, Block, Schorr and Solis-Cohen
12th Floor Packard Building
Philadelphia, PA 19102
(215) 977-2118

DOCUMENT
FOLDER

DOCKETED
APPLICATION DOCKET
OCT 30 1984
ENTRY No. NIC

3. The pertinent authority of protestant is attached hereto.

4. The basis for this protest is as follows:

(a) The application encompasses and duplicates a significant portion of the protestant's authority..

(b) The protestant herein, together with other protestants in this matter and other non-protesting carriers, are capable of and are adequately rendering the proposed services to the public. There would be no benefit to the public from the initiation of a new competitive service.

(c) The grant of the application will have an adverse effect upon protestant herein, in that its present traffic would be subject to diversion to a new carrier, thereby adversely affecting both protestant and the public generally.

(d) Because of the number of carriers in the area able to serve the public in the type of service proposed by applicant, there is no need for the authority requested.

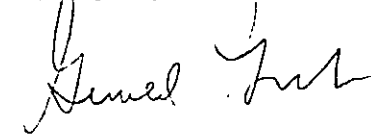
5. There appears to be no basis for a restriction in the application which would protect and satisfy the interests of protestant, unless applicant limited its territory to Chester County and those portions of Montgomery and Bucks County where protestant is not authorized to originate transportation.

WHEREFORE, protestant prays that the instant Application for Authority should be denied.

OF COUNSEL:

Wolf, Block, Schorr & Solis-Cohen
Twelfth Floor Packard Bldg.
Philadelphia, PA 19102
(215) 977-2118

RESPECTFULLY/SUBMITTED,



Gerald Gornish
Attorney for Protestant

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 30, 1982

Commissioners Present:

Susan M. Shanaman, Chairman
Michael Johnson
James H. Cawley
Linda C. Taliaferro
Clifford L. Jones

Application of Brocal Corp., t/d/b/a Alert Medical Carriers and Alert Medical Transport, a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate: SO AS TO PERMIT the transportation of persons in paratransit service, between points within and among the following places: The townships of Lower Merion, Upper Merion, Lower Providence, Upper Providence and Perkiomen, and the borough of Norritonville, Montgomery County, and the townships of Bensalem, Middletown, Newtown, Lower Makefield, Falls and Bristol, Bucks County, the city and county of Philadelphia, and the county of Delaware, and from points in said places to points in the counties of Philadelphia, Delaware, Montgomery, Bucks and Chester and return, with no right to originate service in the counties of Montgomery, Bucks or Chester except as described above; subject to the following conditions: That the service herein authorized is limited to transportation 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 in a vehicle not reserved for individual use, for which advanced reservations are made not later than the previous calendar day; 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.

A-00101594
F. 1
Am-B

Wolf, Block, Schorr and Solis-Cohen by Gerald Gornish for applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed August 27, 1981. Public notice of the application was given in the Pennsylvania Bulletin of October 31, 1981. Additional public notice of the application was given in the November 9, 1981 edition of the Philadelphia Daily News and the November 11, 1981 editions of the Delaware Co. Daily Times, newspapers of general circulation published in the city and county of Philadelphia and the village of Primos, Delaware County, respectively. No protests were filed. The application is unopposed and the record is certified to the Commission for its decision without oral hearing. The record consists of verified statements submitted by applicant and four supporting parties.

Albert M. Schwartz, president of Brocal Corp., t/d/b/a Alert Medical Carriers and Alert Medical Transport (hereinafter Alert or applicant), sets forth in his statement that under existing authority at A-00101594, inter alia, it holds the right to transport persons in paratransit service between points within and among the following places: the townships of Lower Merion, Upper Merion, Lower Providence, Upper Providence, Perkiomen and the borough of Norritonville, Montgomery County; the townships of Bensalem, Middletown, Newtown, Lower Makefield, Falls and Bristol Bucks County; and the city and county of Philadelphia; and from points in said places to points in the counties of Delaware, Montgomery, Bucks and Chester and return, with no right to originate service in the counties of Delaware, Montgomery, Bucks or Chester except as described above; subject to the usual paratransit conditions. The instant application seeks paratransit authority to transport persons between the same above-described points and places and Delaware County and from points in said places to points in the counties of Philadelphia, Delaware, Montgomery, Bucks and Chester and return, with no right to originate service in the counties of Montgomery, Bucks or Chester, except as described above; subject to the usual paratransit conditions.

The terminal and garage of Alert are located at 1520 South 33rd Street, Philadelphia and telephone service is available thereat for receiving requests for service. Applicant operates 17 vans, 10 mini-buses and three wheelchair vans. All equipment is suitable or adaptable for providing the paratransit service proposed and is radio-equipped. A safety program is followed on all equipment used and only licensed drivers are employed. Service for supporting parties is currently being provided by county or public agencies. Existing service is considered

inadequate by the applicant and, in any case, the agencies will shortly cease operations in the Delaware County area. Alert will offer paratransit service for transportation for medical, therapeutic, psychiatric and psychological counseling for individuals participating in the various programs conducted by these agencies and other groups.

In support of its financial ability to provide additional service, applicant entered an unaudited balance sheet and income statement as of September 30, 1981 showing current assets of \$994,695, total assets of \$1,119,663, current liabilities of \$706,056, total liabilities and stockholders' equity of \$753,675 and retained earnings of \$445,988. The income statement shows revenues of \$951,058 which generated a net income after provisions for income tax of \$146,108 and deductions for expenses.

The paratransit service proposed herein is supported by the Delaware County Mental Health-Mental Retardation Board, Media, Delaware County. It contracts for transportation service for approximately 1,800 retarded persons and 4,000 mentally ill persons between various points in the county of Delaware. Initially, paratransit service is needed and required for 80 clients. Its clients need this service between points in Delaware County, however, no trip will be for a distance of more than 12 miles. No provider of paratransit service is currently available in the Delaware County area who can provide the needed paratransit service to transport these physically and mentally handicapped individuals.

Paratransit service of applicant is supported by the Southeast Pennsylvania Rehabilitation Center, Elwyn Industries (Southeast Pennsylvania RC). Said center is located in the village of Elwyn, Delaware County. Southeast Pennsylvania RC provides comprehensive service for mentally handicapped individuals and its clientele needs paratransit service to and from their residences which are located within a radius of 20 miles of the said center at Elwyn, Delaware County. Approximately 13 adults are currently enrolled in the program and will use and need such service five days a week. Clients attending its programs are now transported to and from the center by Community Interactions, Inc. However, this agency will cease providing transportation for clients as of January 31, 1982. Its clients need the proposed paratransit service, since there are no paratransit providers in Delaware County capable of transporting its handicapped clients. Without Alert's paratransit service approximately 13 mentally and physically handicapped clients will be denied an essential service necessary to attend Elwyn's programs.

Community Interactions, Inc. (Community) with an office and center at Brookhaven, Delaware County, sets forth it conducts programs for rehabilitation of mentally and physically handicapped adults and children. The programs conducted prepare and help these individuals to

function in both living and working environments. Clients need transportation from their residences located at points in Delaware County and within a 20-mile radius thereof to the center and return. Currently, transportation is furnished by Community, however, said agency will no longer provide transportation for its clients after January 31, 1982. Clients who participate in this program attend the center five days a week and need the paratransit service proposed for transportation to and from the center. Without Alert's proposed service, approximately 140 mentally and physically handicapped adults and children will lack the transportation needed to participate in its programs.

William A. Benson, executive director of United Cerebral Palsy of Delaware County (hereinafter United CP), with offices located in the village of Aston, Aston Township, Delaware County, sets forth the said organization is dedicated to helping cerebral palsied and neurologically impaired children and adults to develop their abilities to the fullest extent possible. Physical and psychological therapy and support service for development of community awareness, self-help skills and appropriate social behavior are provided for clients. Currently, 18 adult clients participate in this program five days a week, Monday through Friday. United CP is presently transporting said clients in their own vehicles, however, United CP will no longer be providing such transportation to clients after January 31, 1982.

The proposed paratransit service of applicant is needed from the individual residences of its clients in Delaware County to Aston, Delaware County and return. Without Alert's expanded paratransit service, the clients of United CP will lack transportation necessary to participate in a beneficial and helpful program.

DISCUSSION AND FINDINGS

Applicant currently holds paratransit authority to transport persons between points within and among the following places: the townships of Lower Merion, Upper Merion, Lower Providence, Upper Providence, Perkiomen, and the borough of Norritonville, Montgomery County; the townships of Bensalem, Middletown, Newtown, Lower Makefield, Falls and Bristol, Bucks County; and the city and county of Philadelphia, and from points in said places to points in the counties of Delaware, Montgomery, Bucks and Chester and return, with no right to originate service in the counties of Delaware, Montgomery, Bucks or Chester except as described above; subject to the usual conditions contained in paratransit-type applications. Applicant seeks additional paratransit authority to serve the public between points in the county of Delaware and from points in said county to points in the counties of Philadelphia, Delaware, Montgomery, Bucks and Chester and return, with no right to originate service in the counties of Montgomery, Bucks or Chester, except the township of Lower Merion, Upper Merion, Lower Providence, Upper Providence, and Perkiomen and the borough of Norritonville, Montgomery County and the townships of Bensalem, Middletown, Newtown, Lower Makefield, Falls and Bristol, Bucks County; subject to the usual paratransit conditions.

As proposed by the applicant, the service envisioned will consist of providing paratransit service for the general public in Delaware County. It also anticipates providing paratransit service for two Delaware County social agencies, the Southeast Pennsylvania Rehabilitation Center, Elwyn, Delaware County and United Cerebral Palsy of Delaware County, Aston, Delaware County. The agencies and organizations support service for their clients between points in Delaware County and from said county to points within 20 miles and return. The social agencies, United CP and Southeast Pennsylvania RC would utilize the service of applicant to transport adults and children who are availing themselves of the various rehabilitation and social programs conducted by the social agencies and the two other organizations. Currently, the social agencies and other groups herein furnish transportation service for their clients in their own vehicles, however, the transportation furnished by the social agencies and other groups will no longer be provided for their clients after January 31, 1982. All of the supporting parties expressed a desire that the proposed paratransit service be made available to their clients since paratransit service capable of handling the large number of mentally retarded and cerebral palsied clients participating in their programs is not available. Without the proposed paratransit service of applicant the clients of the social agencies and the two other groups will be denied an essential service.

We find that:

1. That the applicant possesses the necessary experience, equipment and fitness necessary to provide the proposed paratransit service.
2. The applicant has met its statutory burden of demonstrating that a public need exists for the service proposed.
3. 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 applicant on February 14, 1980, be amended so that the right contained in the order entered November 24, 1980 shall now read as follows:

To transport, as a common carrier, persons in paratransit service, between points in the townships of Lower Merion, Upper Merion, Lower Providence, Upper Providence and Perkiomen, and the borough of Norritonville, Montgomery County, the townships of Bensalem, Middletown, Newtown, Lower Makefield, Falls and Bristol, Bucks County, the city and county of Philadelphia, and the county of Delaware, and from points in said places to points in the counties of Montgomery, Bucks and Chester and return;

subject to the following condition:

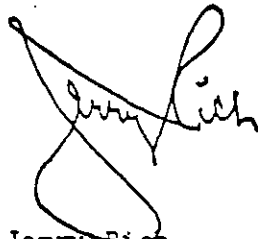
That the applicant shall comply with all the rules and regulations as set forth in 52 Pa. Code, §29.353 and §29.354.

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 Pennsylvania Public Utility Law and the rules and regulations of the 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 proceeding.

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.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized, looped scribble.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: April 30, 1982

ORDER ENTERED: MAY 11 1982

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 29, 1983

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cawley

Application of Brocal Corp. t/d/b/a
Alert Medical Carriers and Alert
Medical Transport, a corporation of
the Commonwealth of Pennsylvania,
for temporary authority to transport
persons in paratransit service,
between points in the county of
Montgomery.

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Gerald Gornish for Brocal Corp.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application for temporary authority filed March 7, 1983. The applicant seeks by temporary authority a portion of the service it proposes in its permanent authority application which seeks the right to transport persons in paratransit service between points in the county of Montgomery and from points in the said county to points in the counties of Philadelphia, Bucks, Delaware and Chester and return; subject to the customary paratransit conditions.

The application was protested by Reitter Employment Service, Inc., t/d/b/a Handi Wheels; Russell F. Maxwell, t/d/b/a Lower Bucks Taxi Cab Co. and Doylestown Taxi Cab Co.; Willow Grove Yellow Cab Co., Inc.; Harp Brothers, Inc.; Lansdale Yellow Cab Company, Inc., t/d/b/a North Penn Carriers; Ardmore Cab Co., Inc.; Norristown Yellow Cab Company, Inc.; Conshohocken Yellow Cab Co.; Bennett Taxi Service; Montgomery County Paratransit Authority; and Walsh Cab Company, t/d/b/a Jenkintown

Taxicab Co. A review of the protestants' authority reveals that Lower Bucks Taxicab Co.; Willow Grove Yellow Cab Co., Inc.; Harp Brothers, Inc.; Lansdale Yellow Cab Company, Inc.; Ardmore Cab Co., Inc.; Norristown Yellow Cab Company, Inc.; Conshohocken Yellow Cab Co.; Bennett Taxi Service; Montgomery County Paratransit Authority and Walsh Cab Company are now authorized to provide service between points in portions of Montgomery County.

The applicant by its letter of March 23, 1983, amended its temporary authority request so that it sought the right to transport persons in paratransit service from the townships of Cheltenham and Abington, and the boroughs of Jenkintown, Wyncote and Elkins Park, Montgomery County, to points in the city of Philadelphia and return. The applicant has requested this specific authority as its support for the service comes from individuals residing in these areas. The applicant points out that none of the protestants hold authority which allows them to provide service from Montgomery County to Philadelphia and return. The Commission has examined the protestants' authorities and finds this allegation of the applicant to be correct. Although the protestants may transport persons in paratransit service between various points in Montgomery County, none hold authority allowing them to transport persons from Montgomery County to Philadelphia and return.

Considering all of the foregoing, it is our opinion that the Commission may grant temporary in this matter to permit the applicant to serve those persons desiring transportation from the townships and boroughs which it has articulated to Philadelphia and return. This temporary authority will meet the immediate needs of the those persons residing in this area pending disposition of the permanent authority application; THEREFORE,

IT IS ORDERED: That the amended application for temporary authority be and is hereby approved granting the following right:

To transport, as a common carrier, by motor vehicle, persons in paratransit service, from the townships of Cheltenham and Abington, and the boroughs of Jenkintown, Wyncote and Elkins Park, all in Montgomery County, to the city and county of Philadelphia, and return.

subject to the following condition:

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

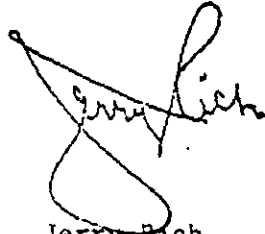
IT IS FURTHER ORDERED: That the temporary authority granted herein is effective upon adoption of this order and shall remain in effect pending final disposition of the application for permanent authority.

IT IS FURTHER ORDERED: That within ten (10) days of the date of entry of this order, the applicant shall file a tariff in accordance with the Pennsylvania Public Utility Law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED: That the grant of temporary authority in this matter shall have no bearing upon final disposition of the application for permanent authority.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before ten (10) 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,



Jerry Rich
Secretary

(SEAL)

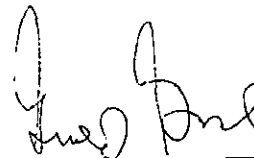
ORDER ADOPTED: April 29, 1983

ORDER ENTERED: MAY 10 1983

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he, on the date indicated below, served a copy of the foregoing Protest upon the parties, also listed below at the addresses indicated by placing the same in the United States Postal Service, First Class Mail, postage prepaid:

David R. Height, III, t/d/b/a
Peach Transportation
6220 Race Street
Philadelphia, PA 19139



Gerald Gornish
Attorney for Protestant

Wolf, Block, Schorr & Solis-Cohen
12th Floor Packard Building
Philadelphia, PA 19102
(215) 977-2118

Dated: _____

Oct. 26, 1984

WOLF, BLOCK, SCHORR AND SOLIS-COHEN

TWELFTH FLOOR PACKARD BUILDING
S. E. CORNER 15TH AND CHESTNUT STREETS
PHILADELPHIA, PA 19102

(215) 977-2000
TELECOPIER: 977-2334
TWX: 710-670-1927
WOLBLORR PHA

FLORIDA OFFICE
SUITE 1009
1655 PALM BEACH LAKES BOULEVARD
P.O. BOX 027615
WEST PALM BEACH, FL 33402
(305) 471-3400
TELECOPIER: (305) 684-4503

October 26, 1984

FILE

ALBERT C. BRASLOW
ARTHUR A. ZATZ
ROBERT L. BLACKSBERG
THOMAS P. WITT
THOMAS J. GALLAGHER, III
BERNARD LEE
DAVID F. SIMON
ARTHUR R. BLOCK
ALAN I. GOLDBERG
JEFFREY S. SALTZ
MARK L. ALDERMAN
ROMA SKEEN YOUNG
DONALD M. MILLINGER
MARK J. AMRHEIN
KENNETH J. WARREN
ROBERT B. MCKINSTRY, JR.
DAVID M. LAYMAN*
BARBARA S. LEONARD***
PAMELA S. GOODWIN
NANCY OMARA EZOLD
JAMES G. WILEST†
DAVID GITLIN†
ROBERT A. SILVERMAN
ANDREW A. CHIRLS
HOWARD P. KAMINS
ANDREW J. DUBROFF
SCOTT A. ISDANER
M. ELLEN MOFFETT
ABBE G. SHAPIRO
NEIL S. WITKES
DONALD BEAN, JR.
GARY L. LOZOFF†††
MARK F. BIDEAU
MICHELE M. CLARK
STEVEN N. HAAS
DEBRA KLEBANOFF
MICHAEL M. MELOY
ARNOLD J. ROGOFF
ALAN SINGER
ELIZABETH H. MAI
JOSEPH S. FINKELSTEIN
BARRY M. KLAYMAN
DENNIS OAKES
JASON M. SHARGEL
M. NORMAN GOLDBERGER
SANDRA A. BLOCH
BURY M. RUBLIN
JEFFREY L. BRAFF
LESLIE E. KIVITZ
MELVYN J. TARNOPOL
ROBERT I. FRIEDMAN
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JEREMY T. ROSENBLUM
ALFRED J. MALEFATTO*
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BRUCE GROHSGAL†
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GREGORY R. GREENFIELD
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KEVIN C. MCCULLOUGH
AMY L. BRANTZ
RONALD L. GERN
PATRICK MATUSKY
STEPHEN A. RITT, JR.
JAMES R. WILLIAMS
JEFFREY B. WOLIN
KEITH A. JAMES
STEVEN P. BERMAN
LAWRENCE G. BRAITMAN
DAVID J. FELDMAN
CHI-YUAN HWANG
HELEN A. MARINO

ROBERT B. WOLF
MITCHELL E. PANZER
RAYMOND J. BRADLEY
FRANKLIN M. SPITZER
ROBERT E. WACHS
ANTHONY S. MINISI
ALBERT J. FELDMAN
ALLAN H. REUBEN
HOWARD GITTIS
SEYMOUR KURLAND
GEORGE M. BRANTZ
ROBERT M. SEGAL
RAGAN A. HENRY
LEONARD J. COOPER
STEVEN A. ARBITTIER
HENRY F. MILLER
JAY L. GOLDBERG
HENRY A. GLADSTONE
H. ROBERT FIEBACH
GERALD J. MCCONDMY
BERNARD CHANIN
DANIEL PROMISLO
LEONARD J. BUCKI
WILLIAM A. ROSOFF
IVAN I. LIGHT
JAMES A. ROSENSTEIN
JOHN S. ROBERTS, JR.
JUDITH R. COHN
MARC M. SILBERT
ROBERT MCL. BOOTE
DAVID M. DORET
IAN A. L. STROGATZ
RICHARD H. GLANTON
ARTHUR G. WROBLE*
HERMAN C. FALA
STEVEN B. KING
WILLIAM J. GREEN
HENRY L. SHRAGER
MICHAEL A. BUDIN
ROBERTA D. LIEBENBERG
BRUCE S. KATCHER
DONALD BEAN
BERNARD M. BORISH
FRANKLIN POUL
DANIEL C. COHEN
STANTON S. OSWALD
ALVIN H. DORSKY
DAVID J. KAUFMAN
CARL W. SCHNEIDER
MICHAEL M. DEAN
MICHAEL L. TEMIN
CHARLES G. KOPP
ALAN J. DAVIS
GERALD GORNISH
ALAN H. MOLOD
EDWARD M. GLICKMAN
LOWELL H. DUBROW
E. GERALD RIESENBACH
JOSEPH M. MANKO
RONALD M. WIENER
WILLIAM J. MOREHOUSE
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HAROLD JACOBS
ROBERT C. PODWIL
WILLIAM F. THORN
PAUL E. SHAPIRO
DONALD K. JOSEPH
MICHAEL M. SHERMAN
JAY R. BAER
JAMES S. BURNS
ALAN S. KAPLINSKY
DENNIS L. COHEN
GREGORY T. MAGARITY
DAVID R. GLYN
MARC E. GOLD
PHILIP E. GARBER
BARRY F. SCHWARTZ
ROBERT M. MCNAIR, JR.**
MARK A. ARONCHICK
HOWARD BREGMAN
MATTHEW H. KAMENS
DAVID N. HOFSTEIN

COUNSEL:

ALFRED L. WOLF
HELEN SPIGEL SAX
NATHAN SILBERSTEIN
SAMUEL H. LEVY
MORRIS L. FORER
JOSEPH BRANDSCHAIN

*ADMITTED TO FLORIDA BAR ONLY
**ADMITTED TO CALIFORNIA BAR ONLY
***ADMITTED TO ILLINOIS & WASHINGTON, D.C. BARS ONLY
†ADMITTED TO NEW YORK BAR ONLY
††ADMITTED TO DELAWARE BAR ONLY
†††ADMITTED TO WASHINGTON, D.C. BAR ONLY

DIRECT DIAL NUMBER:

(215) 977-2118

RECEIVED

OCT 29 1984

SECRETARY'S OFFICE

Re: Application of David R. Height, Public Utility Commission
t/d/b/a Peach Transportation A-06105714

Dear Secretary Rich:

Enclosed for filing are an original and three copies of a Protest to Application for Authority regarding the above. Please stamp the extra copy enclosed and return it in the enclosed self-addressed stamped envelope.

Sincerely,

[Handwritten signature of Gerald Gornish]

Gerald Gornish

For WOLF, BLOCK, SCHORR and SOLIS-COHEN

RECEIVED

GG:lak
Enclosures
cc: David R. Height, III, t/d/b/a
Peach Transportation

Brocal Corp.

CERTIFIED MAIL RETURN
RECEIPT REQUESTED

DOCUMENT FOLDER

OCT 31 1984
Peach Transportation
Public Utility Commission

RECEIVED RECEIVED

OCT 29 1984

OCT 29 1984

~~Non-Rail Transportation~~ SECRETARY'S OFFICE
~~Public Utility Commission~~ PUBLIC UTILITY COMMISSION
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE:

APPLICATION OF DAVID R. HEIGHT, III
t/d/b/a PEACH TRANSPORTATION

Docket A-00105714

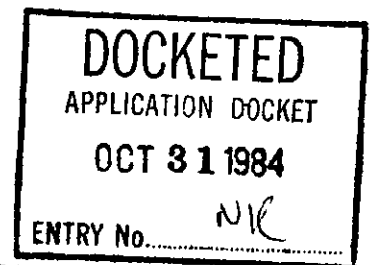
PROTEST APPLICATION OF DAVID R.
HEIGHT, III, t/d/b/a PEACH
TRANSPORTATION

1. The name and address of Protestant is:

Medical Carriers, Inc.
465 E. Wister St.
Philadelphia, PA 19144
(215) 843-9430

2. The name, address and telephone number of the attorney
for Protestant is:

Michael A. Tier, Esq.
Suite 926, Public Ledger Bldg.
Philadelphia, PA 19106
(215) 925-5200



3. The docket number for the Protestant is:

Medical Carriers, Inc., A00101773

4. Attached hereto are copies for the relevant portion
of Protestant's Authority.

DOCUMENT
FOLDER

5. Applicant seeks territorial authority:

(a) to transport persons in paratransit service, between points in the counties of Philadelphia, Montgomery, Delaware, Chester and Bucks.

6. The cause and reason for objection and its subsequent Protest to the Request for Authority are listed below as follows:

(a) the applicant's request encompasses Protestant's sole area of responsibility;

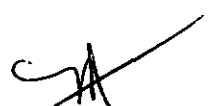
(b) the protestant, individually and as a collective unit with the existing authority holders are providing an adequate and efficient service to the public in the areas in which authority has been granted;

(c) if applicant were granted authority, it would cause the accounts of Protestant to be divided, thereby adversely affecting Protestant's ability to serve the public generally. It would have an adverse impact upon Protestant;

(d) there are sufficient number of carriers in the area, able and willing to serve the public in the type of service proposed by the applicant, there is no need for any additional grant of authority.

WHEREFORE, Protestant prays this Honorable Commission to deny the application.

Date: 10.25.84



MICHAEL A. TIER, Attorney for
Protestant, Medical Carriers,
Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Protest in the matter of Application of David R. Height, III, t/d/b/a Peach Transportation was served upon the below named individuals at their below listed addresses on this date by first-class mail, postage prepaid.

Secretary Rich
Public Utility Commission
Harrisburg, PA 17120

David R. Height, III
6220 Race St.
Philadelphia, PA 19139

Date: 12/24/84


MICHAEL A. TIER, ESQ.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF

MEDICAL CARRIERS, INC.

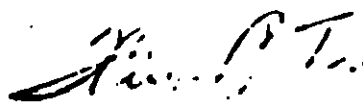
CERTIFICATE
OF
PUBLIC CONVENIENCE
A-00101773

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

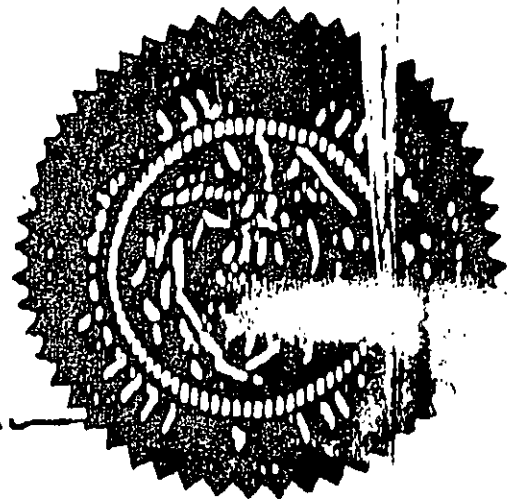
In Testimony Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the City of Harrisburg this 15th day of May 19 80

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

Attest:



SECRETARY



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 24, 1983

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Cowley

Application of Medical Carriers, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right to transport, in special operations as hereinafter described, wheelchair out patients who require assistance for personal mobility to or from the vehicle, in modified motor vehicles, with side-opening doors and ramps, from the patient's home or place of business in the city and county of Philadelphia to doctors' offices, clinics, hospitals, laboratories and rehabilitation centers in said city and county, and return to the patient's home or place of business: SO AS TO PERMIT the transportation, in paratransit service, of persons who require assistance for personal mobility to or from the vehicle, in modified vehicles with side-opening doors and ramps, between the patient's home or place of business and doctors' offices, clinics, hospitals, laboratories, rehabilitation centers and other medical facilities in the city and county of Philadelphia; subject to the following conditions: (1) That the service herein authorized is limited to transportation in vehicles having a seating capacity of not less than ten (10) nor more than fifteen (15) persons, including the driver; (2) that the service herein authorized is limited to transportation in a vehicle not reserved for individual use, for which advanced reservations are made not later than the previous calendar day; (3) That no right, power or privilege is granted to provide scheduled route service as defined in the Pennsylvania Code, Title 52, Chapter 29.14; (4) 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 (5) That no right,

A-00101773

P. 1

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power or privilege granted to transport persons in group and party service, as defined in the Pennsylvania Code, Title 32, Chapter 29.16.

Raymond A. Thistle, Jr., for the applicant.
Bernard A. Ryan, Jr., and William L. Moyer, for protestant, Ambulance Corporation of America, t/d/b/a Major Ambulance Service.

O R D E R

This matter comes before the Commission as the result of an application filed on September 8, 1980. Public notice was given in the Pennsylvania Bulletin of October 11, 1980 and in the Philadelphia Daily News, the latter being a newspaper of general circulation within the area of application.

The sole protestant of record withdrew upon its own reconsideration, but does wish to remain a party of record for the purpose of receiving copies of any orders issued. The application is without further protest and the record is certified to the Commission for handling under modified procedure. Verified statements were submitted by the applicant and two supporting parties.

Dean Bollendorf is operations manager for Medical Carriers, Inc. (or applicant), domiciled at 465 East Wister Street, Philadelphia, and has entered a verified statement on its behalf. The applicant is currently engaged in medically related carrier transportation of persons between points in Philadelphia as authorized by the certificate of public convenience issued to it on May 15, 1980. The authority proposed here fully encompasses the presently held authority.

In addition to the main facility on Wister Street, the applicant also has access to a repair facility adjacent to the terminal. Ample space is available to house the equipment which is monitored by a preventative security system. The operating equipment consists of eight company-owned ambulance-type vehicles seating four to six persons, and two coach-type vehicles seating nine persons and which can be modified to seat 10 persons. Each of the vehicles is equipped with wheelchair stations, stretchers and a medical kit. Two additional coaches seating nine persons and equipped with wheelchair locations and ramps, are operated under lease arrangements. All of the vehicles are radio-equipped which allows inter-vehicle communication as well as with the base station at the Wister Street terminal.

A comprehensive safety program has been established. All drivers or potential drivers must have valid driver's licenses, maintain logs, trip accounts, etc., which is all designed to provide safety in transportation. Strict procedures for reporting irregularities or mishaps have been established.

The applicant's annual report for 1982 indicates that it had current assets of \$29,881, total assets of \$33,722 with no liabilities of any nature. An income statement shows that from operating revenues of \$9,792, the applicant incurred operating expenses of \$30,177, resulting in an operating loss of \$20,385. It had gross income from other sources of \$20,825, resulting in overall gross corporate income of \$440.

Morton Rappaport is administrator of Laundale Hospital and out patient care unit located at Devereux and Palmetto Streets in Philadelphia and states that he is authorized to submit an affidavit in this proceeding. His duties include the coordination of the transportation needs of those individuals using the hospital and out patient facilities.

The specific transportation needs consist of transporting patients from their homes to the out patient clinic, the hospital, between hospitals and back to the patients' homes. Generally, the service need involves patients who require assistance for personal mobility to or from the vehicle which is equipped with side-opening doors and ramps. The hospital has been using the applicant for both ambulance and paratransit type of service and has been well satisfied. It will continue to utilize the services for approximately 10 trips per day.

David Inglis is director of social services for Saint Joseph's Hospital and out patient care unit, 16th and Girard streets, Philadelphia, and has entered a supporting verified statement. As director, he is responsible for coordinating the transportation needs of those individuals using the hospital and the out patient facilities.

There is a need for approximately 15 trips a day from the patient's home to the hospital, clinics, between hospitals and return to the patients' homes. The patients are those persons who require assistance for personal mobility to or from the vehicles which is equipped with side-opening doors and ramps. The hospital has used the applicant for both ambulance and paratransit needs and the service has been quite satisfactory.

DISCUSSION AND FINDINGS

Medical Carriers, Inc., currently holds a certificate of public convenience authorizing it to transport wheelchair outpatients who require assistance for personal mobility to or from the vehicle which is equipped with side-opening doors and ramps, between the patient's home or place of business to doctors' offices, clinics, hospitals, laboratories and rehabilitation centers in the city and county of Philadelphia.

By the immediate application before us, Medical Carriers seeks to amend its certificate so that it will have the right to transport, in paratransit service, persons who require assistance for personal mobility

to or from modified vehicles with side-opening doors and ramps, between the patient's home or place of business and doctors' offices, clinics, hospitals, laboratories, rehabilitation centers and other medical facilities in the city and county of Philadelphia, subject to the usual conditions attendant to paratransit operations.

The proposed authority fully encompasses the authority currently held by Medical Carriers. By comparison, however, the proposed authority principally substitutes the word "persons" for "wheelchair outpatients". A strict interpretation of the present authority limits service for only those persons confined to wheelchairs whereas the proposed authority would permit the transportation of those persons who are not necessarily so confined but who are unable to use mass transportation and cabs, but are not disabled enough to require ambulance transportation.

By our order adopted May 15, 1981 at A-00101773, P. 1, Am-A, this application was dismissed for lack of jurisdiction based upon a decision of the Commonwealth Court of Pennsylvania on February 19, 1981, in Durrell A. Chappell v. Pennsylvania Public Utility Commission, 57 Pa. Comm. Ct. 17, 425A.2d 873 (1981) which was interpreted to divest the Commission of jurisdiction over medical paratransit operations. In response to the applicant's subsequent Petition for Reconsideration, we entered an order on March 28, 1983, granting the Petition for review of the record based on the merits of the application. This action stemmed from a clarification of the Chappell decision in Triage, Inc. v. Pennsylvania Public Utility Commission, _____ Pa. Comm. Ct. _____, 450 A.2d 790 (1982).

The key differences between Chappell and Triage were that; (1) Triage indicated it was a taxi service, (2) it fully intended to transport ambulatory persons, and (3) that the service would not be available for individual use and that service must be requested at least one day in advance. It was the Court's opinion that the application of Chappell was more limited than determined by the Commission and that neither it nor the Section 102(9) exemption applied to services which Triage would offer.

We have similarities between the service of Triage and the service proposed here by Medical Carriers. The vehicles of medical carriers are modified vans seating at least 10 persons. Medical Carriers will transport persons who require assistance for personal mobility but who are not necessarily non-ambulatory and the service will not be available for individual use and must be requested in advance. Application of these criteria would indicate that the Commission does have jurisdiction over the service proposed by Medical Carriers and that our order adopted May 15, 1981 at A-00101773, P. 1, Am-A, denying the application, should be rescinded.

We find:

1. That in view of the Triage decision, the Commission does have jurisdiction over the proposed service and that the applicant is properly before us for the appropriate authority.

2. That the proposed authority completely encompasses the authority now held by the applicant at A-00101773, Folder 1.

3. That the applicant has shown that a public need for the service as proposed does exist.

4. That the applicant is fit, ready, willing and able to properly render the service as proposed.

5. 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 May 15, 1980, be amended so that the right contained at A-00101773, P. 1, shall now read as follows:

To transport, as a common carrier, in paratransit service, persons who require assistance to or from the vehicle, in modified vehicles with side-opening doors and ramps, between the patient's home or place of business and doctors' offices, clinics, hospitals, laboratories, rehabilitation centers and other medical facilities in the city and county of Philadelphia;

subject to the following condition:

That the applicant shall comply with the rules and regulations as set forth in 52 Pa. Code §29.353, §29.354 and §29.355.

IT IS FURTHER ORDERED: That the order adopted May 15, 1981 at A-00101773, P. 1, be and is hereby rescinded.

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 Pennsylvania Public Utility Law and the rules and regulations of the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event the 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 applicant shall not be construed as conferring more than one operating right.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 24, 1983

ORDER ENTERED: JUL 1 1983

RECEIVED

OCT 29 1984

SECRETARY'S OFFICE
BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE:

APPLICATION OF DAVID R. HEIGHT, III
t/d/b/a PEACH TRANSPORTATION

Docket A-00105714

PROTEST APPLICATION OF DAVID R.
HEIGHT, III, t/d/b/a PEACH
TRANSPORTATION

1. The name and address of Protestant is:

Medical Carriers, Inc.
465 E. Wister St.
Philadelphia, PA 19144
(215) 843-9430

2. The name, address and telephone number of the attorney
for Protestant is:

Michael A. Tier, Esq.
Suite 926, Public Ledger Bldg.
Philadelphia, PA 19106
(215) 925-5200

3. The docket number for the Protestant is:

Medical Carriers, Inc., A00101773

4. Attached hereto are copies for the relevant portion
of Protestant's Authority.

5. Applicant seeks territorial authority:

(a) to transport persons in paratransit service, between points in the counties of Philadelphia, Montgomery, Delaware, Chester and Bucks.

6. The cause and reason for objection and its subsequent Protest to the Request for Authority are listed below as follows:

(a) the applicant's request encompasses Protestant's sole area of responsibility;

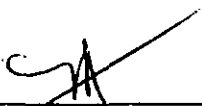
(b) the protestant, individually and as a collective unit with the existing authority holders are providing an adequate and efficient service to the public in the areas in which authority has been granted;

(c) if applicant were granted authority, it would cause the accounts of Protestant to be divided, thereby adversely affecting Protestant's ability to serve the public generally. It would have an adverse impact upon Protestant;

(d) there are sufficient number of carriers in the area, able and willing to serve the public in the type of service proposed by the applicant, there is no need for any additional grant of authority.

WHEREFORE, Protestant prays this Honorable Commission to deny the application.

Date: 10-25-84



MICHAEL A. TIER, Attorney for
Protestant, Medical Carriers,
Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Protest in the matter of Application of David R. Height, III, t/d/b/a Peach Transportation was served upon the below named individuals at their below listed addresses on this date by first-class mail, postage prepaid.

Secretary Rich
Public Utility Commission
Harrisburg, PA 17120

David R. Height, III
6220 Race St.
Philadelphia, PA 19139

Date: 12/24/84

Michael A. Tier, Esq.
MICHAEL A. TIER, ESQ.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF

MEDICAL CARRIERS, INC.

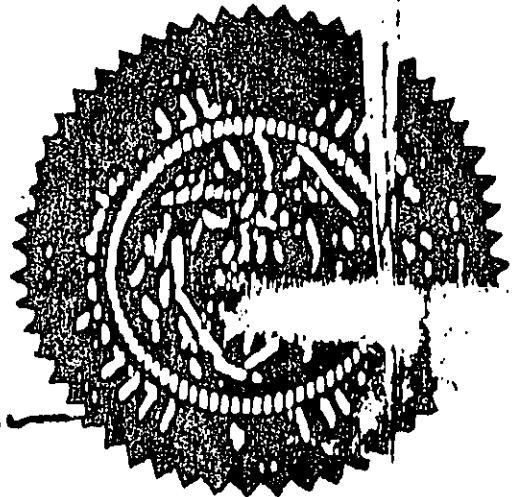
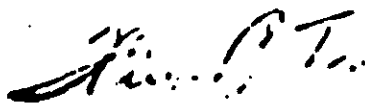
CERTIFICATE
OF
PUBLIC CONVENIENCE
A-00101773

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

In Testimony 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 15th day of May 1980

Attest:

PENNSYLVANIA
PUBLIC UTILITY COMMISSION



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 24, 1983

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James M. Conley

Application of Medical Carriers, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right to transport, in special operations as hereinafter described, wheelchair out patients who require assistance for personal mobility to or from the vehicle, in modified motor vehicles, with side-opening doors and ramps, from the patient's home or place of business in the city and county of Philadelphia to doctors' offices, clinics, hospitals, laboratories and rehabilitation centers in said city and county, and return to the patient's home or place of business: SO AS TO PERMIT the transportation, in paratransit service, of persons who require assistance for personal mobility to or from the vehicle, in modified vehicles with side-opening doors and ramps, between the patient's home or place of business and doctors' offices, clinics, hospitals, laboratories, rehabilitation centers and other medical facilities in the city and county of Philadelphia; subject to the following conditions: (1) That the service herein authorized is limited to transportation in vehicles having a seating capacity of not less than ten (10) nor more than fifteen (15) persons, including the driver; (2) that the service herein authorized is limited to transportation in a vehicle not reserved for individual use, for which advanced reservations are made not later than the previous calendar day; (3) That no right, power or privilege is granted to provide scheduled route service as defined in the Pennsylvania Code, Title 52, Chapter 29.14; (4) 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 (5) That no right,

A-00101773
P. 1
AD-A

power or privilege granted to transport persons in group and party service, as defined in the Pennsylvania Code, Title 33, Chapter 29.16.

Raymond A. Thistle, Jr., for the applicant.

Bernard A. Ryan, Jr., and William L. Moyer, for protestant, Ambulance Corporation of America, c/d/b/a Major Ambulance Service.

ORDER

This matter comes before the Commission as the result of an application filed on September 8, 1980. Public notice was given in the Pennsylvania Bulletin of October 11, 1980 and in the Philadelphia Daily News, the latter being a newspaper of general circulation within the area of application.

The sole protestant of record withdrew upon its own reconsideration, but does wish to remain a party of record for the purpose of receiving copies of any orders issued. The application is without further protest and the record is certified to the Commission for handling under modified procedure. Verified statements were submitted by the applicant and two supporting parties.

Dean Bollendorf is operations manager for Medical Carriers, Inc. (or applicant), domiciled at 465 East Wister Street, Philadelphia, and has entered a verified statement on its behalf. The applicant is currently engaged in medically related carrier transportation of persons between points in Philadelphia as authorized by the certificate of public convenience issued to it on May 13, 1980. The authority proposed here fully encompasses the presently held authority.

In addition to the main facility on Wister Street, the applicant also has access to a repair facility adjacent to the terminal. Ample space is available to house the equipment which is monitored by a preventative security system. The operating equipment consists of eight company-owned ambulance-type vehicles seating four to six persons, and two coach-type vehicles seating nine persons and which can be modified to seat 10 persons. Most of the vehicles is equipped with wheelchair stations, stretchers and a medical kit. Two additional coaches seating nine persons and equipped with wheelchair locations and ramps, are operated under lease arrangements. All of the vehicles are radio-equipped which allows inter-vehicle communication as well as with the base station at the Wister Street terminal.

A comprehensive safety program has been established. All drivers or potential drivers must have valid driver's licenses, maintain logs, trip accounts, etc., which is all designed to provide safety in transportation. Strict procedures for reporting irregularities or mishaps have been established.

The applicant's annual report for 1982 indicates that it had current assets of \$29,883, total assets of \$33,722 with no liabilities of any nature. An income statement shows that from operating revenues of \$9,792, the applicant incurred operating expenses of \$30,177, resulting in an operating loss of \$20,385. It had gross income from other sources of \$20,825, resulting in overall gross corporate income of \$440.

Morton Rappaport is administrator of Landale Hospital and out patient care unit located at Devon and Palmette Streets in Philadelphia and states that he is authorized to submit an affidavit in this proceeding. His duties include the coordination of the transportation needs of those individuals using the hospital and out patient facilities.

The specific transportation needs consist of transporting patients from their homes to the out patient clinic, the hospital, between hospitals and back to the patients' homes. Generally, the service need involves patients who require assistance for personal mobility to or from the vehicle which is equipped with side-opening doors and ramps. The hospital has been using the applicant for both ambulance and paratransit type of service and has been well satisfied. It will continue to utilize the services for approximately 10 trips per day.

David Inglis is director of social services for Saint Joseph's Hospital and out patient care unit, 16th and Girard streets, Philadelphia, and has entered a supporting verified statement. As director, he is responsible for coordinating the transportation needs of those individuals using the hospital and the out patient facilities.

There is a need for approximately 15 trips a day from the patient's home to the hospital, clinics, between hospitals and return to the patients' homes. The patients are those persons who require assistance for personal mobility to or from the vehicles which is equipped with side-opening doors and ramps. The hospital has used the applicant for both ambulance and paratransit needs and the service has been quite satisfactory.

DISCUSSION AND FINDINGS

Medical Carriers, Inc., currently holds a certificate of public convenience authorizing it to transport wheelchair outpatients who require assistance for personal mobility to or from the vehicle which is equipped with side-opening doors and ramps, between the patient's home or place of business to doctors' offices, clinics, hospitals, laboratories and rehabilitation centers in the city and county of Philadelphia.

By the immediate application before us, Medical Carriers seeks to amend its certificate so that it will have the right to transport, in paratransit service, persons who require assistance for personal mobility

to or from modified vehicles with side-opening doors and ramps, between the patient's home place of business and doctors offices, clinics, hospitals, laboratories, rehabilitation centers and other medical facilities in the city and county of Philadelphia, subject to the usual conditions attendant to paratransit operations.

The proposed authority fully encompasses the authority currently held by Medical Carriers. By comparison, however, the proposed authority principally substitutes the word "persons" for "wheelchair outpatients". A strict interpretation of the present authority limits service for only those persons confined to wheelchairs whereas the proposed authority would permit the transportation of those persons who are not necessarily so confined but who are unable to use mass transportation and cabs, but are not disabled enough to require ambulance transportation.

By our order adopted May 15, 1981 at A-00101773, P. 1, AM-A, this application was dismissed for lack of jurisdiction based upon a decision of the Commonwealth Court of Pennsylvania on February 19, 1981, in Durkell A. Chappell v. Pennsylvania Public Utility Commission, 57 Pa. Comm. Ct. 17, 425A.2d 873 (1981) which was interpreted to divest the Commission of jurisdiction over medical paratransit operations. In response to the applicant's subsequent Petition for Reconsideration, we entered an order on March 28, 1983, granting the Petition for review of the record based on the merits of the application. This action stemmed from a clarification of the Chappell decision in Triage, Inc. v. Pennsylvania Public Utility Commission, _____ Pa. Comm. Ct. _____, 450 A.2d 790 (1982).

The key differences between Chappell and Triage were that; (1) Triage indicated it was a taxi service, (2) it fully intended to transport ambulatory persons, and (3) that the service would not be available for individual use and that service must be requested at least one day in advance. It was the Court's opinion that the application of Chappell was more limited than determined by the Commission and that neither it nor the Section 102(9) exemption applied to services which Triage would offer.

We have similarities between the service of Triage and the service proposed here by Medical Carriers. The vehicles of medical carriers are modified vans seating at least 10 persons. Medical Carriers will transport persons who require assistance for personal mobility but who are not necessarily non-ambulatory and the service will not be available for individual use and must be requested in advance. Application of these criteria would indicate that the Commission does have jurisdiction over the service proposed by Medical Carriers and that our order adopted May 15, 1981 at A-00101773, P. 1, AM-A, denying the application, should be rescinded.

1. That in view of the Triage decision, the Commission does have jurisdiction over the proposed service and that the applicant is properly before us for the appropriate authority.

2. That the proposed authority completely encompasses the authority now held by the applicant at A-00101773, Folder 1.

3. That the applicant has shown that a public need for the service as proposed does exist.

4. That the applicant is fit, ready, willing and able to properly render the service as proposed.

5. 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 May 13, 1980, be amended so that the right contained at A-00101773, F. 1, shall now read as follows:

To transport, as a common carrier, in paratransit service, persons who require assistance to or from the vehicle, in modified vehicles with side-opening doors and ramps, between the patient's home or place of business and doctors' offices, clinics, hospitals, laboratories, rehabilitation centers and other medical facilities in the city and county of Philadelphia;

subject to the following condition:

That the applicant shall comply with the rules and regulations as set forth in 32 Pa. Code §29.331, §29.334 and §29.335.

IT IS FURTHER ORDERED: That the order adopted May 13, 1981 at A-00101773, F. 1, be and is hereby rescinded.

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 Pennsylvania Public Utility Law and the rules and regulations of the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event the 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 applicant shall not be construed as conferring more than one operating right.

BY THE COMMISSION,



Jerry Rith
Secretary

(REAL)

ORDER ADOPTED: June 24, 1983

ORDER ENTERED: JUL 1 1983

RECEIVED

OCT 20 1984

BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE
Public Utility Commission

IN RE:

APPLICATION OF DAVID R. HEIGHT, III
t/d/b/a PEACH TRANSPORTATION

Docket A-00105714

PROTEST APPLICATION OF DAVID R.
HEIGHT, III, t/d/b/a PEACH
TRANSPORTATION

1. The name and address of Protestant is:

Medical Carriers, Inc.
465 E. Wister St.
Philadelphia, PA 19144
(215) 843-9430

2. The name, address and telephone number of the attorney
for Protestant is:

Michael A. Tier, Esq.
Suite 926, Public Ledger Bldg.
Philadelphia, PA 19106
(215) 925-5200

3. The docket number for the Protestant is:

Medical Carriers, Inc., A00101773

4. Attached hereto are copies for the relevant portion
of Protestant's Authority.

5. Applicant seeks territorial authority:

(a) to transport persons in paratransit service, between points in the counties of Philadelphia, Montgomery, Delaware, Chester and Bucks.

6. The cause and reason for objection and its subsequent Protest to the Request for Authority are listed below as follows:

(a) the applicant's request encompasses Protestant's sole area of responsibility;


(b) the protestant, individually and as a collective unit with the existing authority holders are providing an adequate and efficient service to the public in the areas in which authority has been granted;

(c) if applicant were granted authority, it would cause the accounts of Protestant to be divided, thereby adversely affecting Protestant's ability to serve the public generally. It would have an adverse impact upon Protestant;

(d) there are sufficient number of carriers in the area, able and willing to serve the public in the type of service proposed by the applicant, there is no need for any additional grant of authority.

WHEREFORE, Protestant prays this Honorable Commission to deny the application.

Date: 10.25.84



MICHAEL A. TIER, Attorney for
Protestant, Medical Carriers,
Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Protest in the matter of Application of David R. Height, III, t/d/b/a Peach Transportation was served upon the below named individuals at their below listed addresses on this date by first-class mail, postage prepaid.

Secretary Rich
Public Utility Commission
Harrisburg, PA 17120

David R. Height, III
6220 Race St.
Philadelphia, PA 19139

Date: 11/24/84

Michael A. Tier, Esq.
MICHAEL A. TIER, ESQ.

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

IN THE MATTER OF THE APPLICATION OF

MEDICAL CARRIERS, INC.

**CERTIFICATE
OF
PUBLIC CONVENIENCE
A-00101773**

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing had on the above entitled application, it has, by its report and order made and a copy of which is attached hereto and made a part hereof, found and determined that the granting of said application is necessary or proper for the service, accommodation, convenience and safety of the public, and this certificate is issued evidencing its approval of the said application as set forth in said report and order.

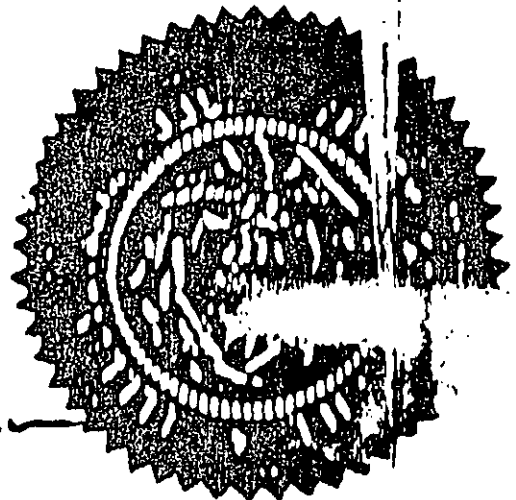
In Testimony Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the City of Harrisburg this 15th day of May 1980

Attest:

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

[Handwritten Signature]

Secretary



PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held June 24, 1983

Commissioners Present:

Linda C. Taliaferro, Chairman
Michael Johnson
James H. Conley

Application of Medical Carriers, Inc., a corporation of the Commonwealth of Pennsylvania, for amendment to its common carrier certificate, which grants the right to transport, in special operations as hereinafter described, wheelchair out patients who require assistance for personal mobility to or from the vehicles, in modified motor vehicles, with side-opening doors and ramps, from the patient's home or place of business in the city and county of Philadelphia to doctors' offices, clinics, hospitals, laboratories and rehabilitation centers in said city and county, and return to the patient's home or place of business: SO AS TO PERMIT the transportation, in paratransit service, of persons who require assistance for personal mobility to or from the vehicles, in modified vehicles with side-opening doors and ramps, between the patient's home or place of business and doctors' offices, clinics, hospitals, laboratories, rehabilitation centers and other medical facilities in the city and county of Philadelphia; subject to the following conditions: (1) That the service herein authorized is limited to transportation in vehicles having a seating capacity of not less than ten (10) nor more than fifteen (15) persons, including the driver; (2) that the service herein authorized is limited to transportation in a vehicle not reserved for individual use, for which advanced reservations are made not later than the previous calendar day; (3) That no right, power or privilege is granted to provide scheduled route service as defined in the Pennsylvania Code, Title 52, Chapter 29.14; (4) That no right, power or privilege is granted to provide call or demand service as defined in the Pennsylvania Code, Title 52, Chapter 29.13; and (5) That no right,

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P. 1
AD-A

power or privilege granted to transport persons in group and party service, as defined in the Pennsylvania Code, Title 32, Chapter 29.16.

Raymond A. Thistle, Jr., for the applicant.
Edward A. Ryan, Jr., and William L. Moyer, for protestant, Ambulance Corporation of America, c/d/b/a Major Ambulance Service.

ORDER

This matter comes before the Commission as the result of an application filed on September 8, 1960. Public notice was given in the Pennsylvania Bulletin of October 11, 1960 and in the Philadelphia Daily News, the latter being a newspaper of general circulation within the area of application.

The sole protestant of record withdrew upon its own reconsideration, but does wish to remain a party of record for the purpose of receiving copies of any orders issued. The application is without further protest and the record is certified to the Commission for handling under modified procedure. Verified statements were submitted by the applicant and two supporting parties.

Dean Bollendorf is operations manager for Medical Carriers, Inc. (or applicant), domiciled at 465 East Wister Street, Philadelphia, and has entered a verified statement on its behalf. The applicant is currently engaged in medically related carrier transportation of persons between points in Philadelphia as authorized by the certificate of public convenience issued to it on May 13, 1960. The authority proposed here fully encompasses the presently held authority.

In addition to the main facility on Wister Street, the applicant also has access to a repair facility adjacent to the terminal. Ample space is available to house the equipment which is monitored by a preventative security system. The operating equipment consists of eight company-owned ambulance-type vehicles seating four to six persons, and two coach-type vehicles seating nine persons and which can be modified to seat 10 persons. Each of the vehicles is equipped with wheelchair stations, stretchers and a medical kit. Two additional coaches seating nine persons and equipped with wheelchair locations and ramps, are operated under lease arrangements. All of the vehicles are radio-equipped which allows inter-vehicle communication as well as with the base station at the Wister Street terminal.

A comprehensive safety program has been established. All drivers or potential drivers must have valid driver's licenses, maintain logs, trip accounts, etc., which is all designed to provide safety in transportation. Strict procedures for reporting irregularities or mishaps have been established.

The applicant's annual report for 1982 indicates that it had current assets of \$29,883, total assets of \$33,711 with no liabilities of any nature. An income statement shows that from operating revenues of \$9,792, the applicant incurred operating expenses of \$30,177, resulting in an operating loss of \$20,385. It had gross income from other sources of \$20,825, resulting in overall gross corporate income of \$440.

Morton Rappaport is administrator of Leimdale Hospital and out patient care unit located at Devereaux and Palmatko Streets in Philadelphia and states that he is authorized to submit an affidavit in this proceeding. His duties include the coordination of the transportation needs of those individuals using the hospital and out patient facilities.

The specific transportation needs consist of transporting patients from their homes to the out patient clinic, the hospital, between hospitals and back to the patients' homes. Generally, the service need involves patients who require assistance for personal mobility to or from the vehicle which is equipped with side-opening doors and ramps. The hospital has been using the applicant for both ambulance and paratransit type of service and has been well satisfied. It will continue to utilize the services for approximately 10 trips per day.

David Inglis is director of social services for Saint Joseph's Hospital and out patient care unit, 16th and Girard streets, Philadelphia, and has entered a supporting verified statement. As director, he is responsible for coordinating the transportation needs of those individuals using the hospital and the out patient facilities.

There is a need for approximately 15 trips a day from the patient's home to the hospital, clinics, between hospitals and return to the patients' homes. The patients are those persons who require assistance for personal mobility to or from the vehicles which is equipped with side-opening doors and ramps. The hospital has used the applicant for both ambulance and paratransit needs and the service has been quite satisfactory.

DISCUSSION AND FINDINGS

Medical Carriers, Inc., currently holds a certificate of public convenience authorizing it to transport wheelchair outpatients who require assistance for personal mobility to or from the vehicle which is equipped with side-opening doors and ramps, between the patient's home or place of business to doctors' offices, clinics, hospitals, laboratories and rehabilitation centers in the city and county of Philadelphia.

By the immediate application before us, Medical Carriers seeks to amend its certificate so that it will have the right to transport, in paratransit service, persons who require assistance for personal mobility

to or from modified vehicles with side-opening doors and ramps, between the patient's home or place of business and doctors' offices, clinics, hospitals, laboratories, rehabilitation centers and other medical facilities in the city and county of Philadelphia, subject to the usual conditions attendant to paratransit operations.

The proposed authority fully encompasses the authority currently held by Medical Carriers. By comparison, however, the proposed authority principally substitutes the word "persons" for "wheelchair outpatients". A strict interpretation of the present authority limits service for only those persons confined to wheelchairs whereas the proposed authority would permit the transportation of those persons who are not necessarily so confined but who are unable to use mass transportation and cabs, but are not disabled enough to require ambulance transportation.

By our order adopted May 13, 1981 at A-00101773, P. 1, AM-A, this application was dismissed for lack of jurisdiction based upon a decision of the Commonwealth Court of Pennsylvania on February 19, 1981, in Dukell A. Chappell v. Pennsylvania Public Utility Commission, 57 Pa. Commw. Ct. 17, 423A.2d 873 (1981) which was interpreted to divest the Commission of jurisdiction over medical paratransit operations. In response to the applicant's subsequent Petition for Reconsideration, we entered an order on March 20, 1983, granting the Petition for review of the record based on the merits of the application. This action stemmed from a clarification of the Chappell decision in Triage, Inc. v. Pennsylvania Public Utility Commission, Pa. Commw. Ct. _____, 450 A.2d 790 (1982).

The key differences between Chappell and Triage were that; (1) Triage indicated it was a taxi service, (2) it fully intended to transport ambulatory persons, and (3) that the service would not be available for individual use and that service must be requested at least one day in advance. It was the Court's opinion that the application of Chappell was more limited than determined by the Commission and that neither it nor the Section 102(9) exemption applied to services which Triage would offer.

We have similarities between the service of Triage and the service proposed here by Medical Carriers. The vehicles of medical carriers are modified vans seating at least 10 persons. Medical Carriers will transport persons who require assistance for personal mobility but who are not necessarily non-ambulatory and the service will not be available for individual use and must be requested in advance. Application of these criteria would indicate that the Commission does have jurisdiction over the service proposed by Medical Carriers and that our order adopted May 13, 1981 at A-00101773, P. 1, AM-A, denying the application, should be rescinded.

1. That in view of the Triage decision, the Commission does have jurisdiction over the proposed service and that the applicant is properly before us for the appropriate authority.

2. That the proposed authority completely encompasses the authority now held by the applicant at A-00101773, Folder 1.

3. That the applicant has shown that a public need for the service as proposed does exist.

4. That the applicant is fit, ready, willing and able to properly render the service as proposed.

5. 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 May 13, 1980, be amended so that the right contained at A-00101773, F. 1, shall now read as follows:

To transport, as a common carrier, in paratransit service, persons who require assistance to or from the vehicle, in modified vehicles with side-opening doors and ramps, between the patient's home or place of business and doctors' offices, clinics, hospitals, laboratories, rehabilitation centers and other medical facilities in the city and county of Philadelphia;

subject to the following condition:

That the applicant shall comply with the rules and regulations as set forth in 52 Pa. Code §29.333, §29.334 and §29.335.


IT IS FURTHER ORDERED: That the order adopted May 13, 1981 at A-00101733, F. 1, be and is hereby rescinded.

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 Pennsylvania Public Utility Law and the rules and regulations of the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event the 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 applicant shall not be construed as conferring more than one operating right.

BY THE COMMISSION,

A handwritten signature in black ink, appearing to read "Jerry Rich", written over a large, stylized loop.

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: June 26, 1983

ORDER ENTERED: JUL 1 1983

LAW OFFICES

MALATESTA, HAWKE, McKEON & MORRIS

SUITE 212 - LOCUST COURT

212 LOCUST STREET

P.O. BOX 12110

HARRISBURG, PENNSYLVANIA 17108

(717) 236-7426

TELECOPIER: (717) 236-4841

FILE

October 29, 1984

RECEIVED

OCT 29 1984

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

SECRETARY'S OFFICE
Public Utility Commission

IN RE: Application of David R. Height, II, t/d/b/a Peach
Transportation in paratransit service, between points
in the counties of Philadelphia, Montgomery, Bucks,
Delaware and Chester; Docket No. A-00105714

Dear Secretary Rich:

Enclosed, for filing, are an original and two (2) copies of the protest of HSS-Paratransit, Inc. to the above-captioned application. A copy of the Protest has been served upon the Applicant as noted on the attached certificate of service.

Very truly yours,

William T. Hawke

William T. Hawke

WTH/rk

DOCKETED
APPLICATION DOCKET
OCT 30 1984
ENTRY No. *NK*

RECEIVED

OCT 30 1984

Non-Reg. Public Utility Comm. Action

DOCUMENT FOLDER

RECEIVED

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION OCT 29 1984

SECRETARY'S OFFICE
Public Utility Commission

IN RE: Application of David R. Height, III,
t/d/b/a Peach Transportation in paratransit
service, between points in the counties of
Philadelphia, Montgomery, Bucks, Delaware and
Chester.

Docket No. A-00105714

RECEIVED

PROTEST OF HSS-PARATRANSIT, INC.

OCT 29 1984

FILE

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW this 29th day of October, 1984, comes the protestant
HSS-Paratransit, Inc., by its counsel, and protests the appli-
cation of David R. Height, III, t/d/b/a Peach Transportation and
in support of the instant protest, represents as follows:

1. The name and address of the protestant are:

HSS-Paratransit, Inc.
1313 North Howard St.
Philadelphia, PA 19122
215-425-2524

2. The name and address of the protestant's attorney:

William T. Hawke
Malatesta, Hawke, McKeon & Morris
Suite 212 - Locust Ct.
212 Locust St.
P.O. Box 12110
Harrisburg, PA 17108
717-236-7426

DOCKETED
APPLICATION DOCKET
OCT 30 1984
ENTRY No. WIC

3. Reasons for protest: In general, a grant of the instant
application is not necessary or proper for the service, accommo-
dation, or convenience of the public; in particular:

DOCUMENT
FOLDER

- (a) There is no need for applicant's proposed service;
- (b) The facilities and equipment of the protestant and other authorized common carriers are of sufficient quantity and quality to meet ably all of the requirements of the traveling public in the territory involved in the instant application;
- (c) The applicant is not financially or technically fit to provide the proposed service;
- (d) Any grant of additional competition is entirely unnecessary, and therefore prejudicial to the protestant in that any loss of revenues due to the unnecessary and unwarranted additional competition will endanger or impair the current public service operations of the protestant and ultimately the public;
- (e) A grant of the instant application would not serve any useful public purpose that is responsive to a public demand or need.

4. The protestant, HSS-Paratransit, Inc. bases the instant protest upon the following two authorities:


- (a) A-00104964, F.1, Am-A (permanent authority pending/emergency temporary authority granted): to transport, persons, in paratransit service, from their homes or place of business in the counties of Philadelphia and Delaware to medical facilities in said counties and return;

(b) A-00104964/A-00100781: HSS-Paratransit, Inc. also currently holds temporary authority at A-00104964 to provide service under the rights of Medical Transport Service, Inc. at A-00100781, pending disposition of a permanent transfer application. Those latter rights read as follows: to transport, as a common carrier, in paratransit service in modified motor vehicles with side opening doors and ramps, elderly, disabled, physically handicapped persons and persons in wheel chairs, and ambulatory persons who require assistance for mobility to or from the vehicles, from the patient's home or place of business in the counties of Philadelphia and Delaware to medical facilities in said counties and return.

5. As of the time of filing the instant protest, HSS-Paratransit, Inc. cannot propose a particular restrictive amendment to the above-captioned application that would result in the withdrawal of the instant protest. The protestant agrees, however, to consider in good faith any language proposed by the applicant that will distinguish clearly the authority sought in the application from the authority contained in protestant's existing awards of temporary authority, and contained in protestant's pending applications for a certificate of public convenience.

WHEREFORE, the protestant, HSS-Paratransit, Inc., requests the Pennsylvania Public Utility Commission to deny the application filed by David R. Height, III, t/d/b/a Peach Transportation, at A-00105714.

Respectfully submitted,

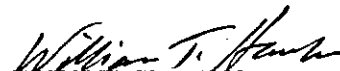

William T. Hawke
Counsel for
HSS-Paratransit, Inc.

CERTIFICATE OF SERVICE

I hereby certify that I am, this 29th day of October, 1984, serving the foregoing Protest upon the person and in the manner indicated below, which service is in accordance with the requirements of 1 Pa. Code §33.32:

SERVICE BY FIRST CLASS MAIL:

David R. Height, III,
t/d/b/a Peach Transportation
6220 Race St.
Philadelphia, PA 19139



William T. Hawke

DATED: October 29, 1984

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
November 30, 1984

MONITOR: CHAIRMAN TALIAFERRO

In re: A. 105714

(See attached list)

Application of David R. Height, III, t/d/b/a Peach Transportation
Right to begin to transport, persons, in paratransit service, between points in
the counties of Philadelphia, Montgomery, Delaware, Chester and Bucks.

NOTICE

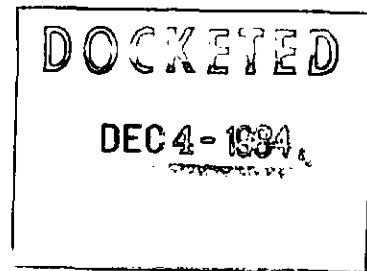
The Public Utility Code directs that hearings shall be commenced in this case by the Administrative Law Judge within 90 days after the proceeding is initiated.

In compliance with this directive, initial hearing is hereby scheduled for Friday, January 4, 1985, at 10:00 a.m., in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania.

The presiding officer in this proceeding will be Administrative Law Judge Isador Kranzel. Judge Kranzel can be contacted at 1302 Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia, Pennsylvania 19130; telephone (215) 351-2105.

If you intend to file exhibits, please be advised that three copies of all hearing exhibits to be presented into evidence must be submitted to the Reporter and an additional copy should be furnished to the presiding officer and each party of record.

cc: Judge Kranzel
Bureau of Non-Rail Trans.
Ms. Crouse
Ms. Dickson
Mr. Bramson
File Room



David R. Height, III
t/d/b/a Peach Transportation
6220 Race Street
Philadelphia, PA 19139

Jack F. Aschinger, Esquire
212 Locust Street
P.O. Box 999
Harrisburg, PA 17108

Lewis R. Olshin, Esquire
One Franklin Plaza
Philadelphia, PA 19102

Gerald Gornish, Esquire
12th Floor Packard Building
S.E. Cor. 15th and Chestnut Streets
Philadelphia, PA 19102

William T. Hawke, Esquire
Suite 212 - Locust Court
212 Locust Street
P.O. Box 12110
Harrisburg, PA 17108

Michael A. Tier, Esquire
Suite 926, Public Ledger Building
Philadelphia, PA 19106

Kathleen Herzog Larkin, Esquire
Blank, Rome, Comisky & McCauley
Four Penn Center Plaza
Philadelphia, PA 19103

Raymond A. Thistle, Jr., Esquire
Five Cottman Court
426 Cottman Street
Jenkintown, PA 19046

In re: How to present your evidence at a hearing.

Dear Applicant:

Your application has been protested by certificated carriers having authority from this Commission which is the same as or similar to that which you are seeking. Therefore, it is necessary for this Commission to conduct a hearing to determine if your application should be granted. The hearing is much like a formal court proceeding and is conducted by an Administrative Law Judge. The information which follows is designed to give you some idea of what to expect and what will be required of you at the hearing.

As the Applicant, you have the legal burden of proving that your proposed service is needed by the public. The public may be defined as all people in a general area, a certain group of people or shippers, or one particular shipper. This applies to the transportation of persons as well as the transportation of property.

You can best establish your evidence by having people you wish to serve appear at the hearing as witnesses on your behalf and testify as to why they need your proposed service, how often they will use it, what volume of goods they will ship through you. You can also present evidence to show that the existing service offered by the protesting carriers is inadequate, insufficient or unsatisfactory.

You may also submit other forms of evidence at the hearing to support your case, such as a written record of requests for your proposed service. Be sure to include as much information as possible, such as name and address of person who requested your service, date of request, origin, destination, description and amount of commodity or number of people to be transported. The more specific information you can give to substantiate your evidence, the greater value your evidence will be given.

Finally, you will have to prove that you are financially fit and have the equipment, facilities and experience necessary to provide your proposed service. In most cases, this requirement is met by testifying on your behalf and presenting evidence (usually including a written financial statement) to show that you have the resources needed to provide the proposed service. Absence of a particular element of fitness, such as experience, does not mean that your application will automatically be denied. However, any testimony or evidence which may be presented to show that you are capable of providing the proposed service will be to your advantage.

Throughout the hearing, the protesting carriers will have the right to challenge statements made by your witnesses (cross-examination), as well as present their own witnesses to show that they are providing adequate service and that your proposed service is not needed. You, of course, will have the right to cross-examine the protesting carrier's witnesses.

This explanation is designed to give you a general idea of what is necessary to obtain a certificate of public convenience. For the actual letter of the law, and a presentation of important court cases pertaining to this matter, see Chapters 11, 23 and 25 of the Public Utility Code in Purdon's Pennsylvania Consolidated Statutes Annotated Title 66: Public Utilities, (Phila.: West Publishing Company, 1979.)

Commonwealth regulations allow individuals to represent themselves at hearings. However, should you desire the services of an attorney, you can contact the Lawyer Referral Service toll free at 800-692-7375, or your County Bar Association's Lawyer Referral Service.

ORIGINAL

LAW OFFICES

MALATESTA, HAWKE, McKEON & MORRIS

SUITE 212 - LOCUST COURT

212 LOCUST STREET

P. O. BOX 12110

HARRISBURG, PENNSYLVANIA 17108

(717) 236-7426

TELECOPIER: (717) 236-4841

December 4, 1984

RECEIVED

DEC- 5 1984

SECRETARY'S OFFICE
Public Utility Commission

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

IN RE: Application of David R. Height, III, t/d/b/a Peach
Transportation; A-00105714 - Notice of Withdrawal
of Protest

Dear Secretary Rich:

Enclosed, for filing, is the original and two (2) copies of Notice of Withdrawal of
Protest of HSS-Paratransit, Inc. in the above-captioned application.

Sincerely yours,



William T. Hawke

WTH/rk

Enclosures

cc: Hon. Isador Kranzel

DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION


RECEIVED

DEC 5 1984
SECRETARY'S OFFICE
Public Utility Commission

IN RE: Application of David R. Height, III, :
t/d/b/a Peach Transportation : Docket No. A-00105714

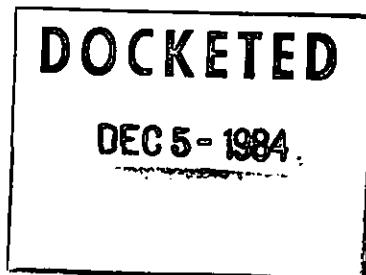
NOTICE OF WITHDRAWAL OF PROTEST

AND NOW this 4th day of December, 1984, comes HSS-Paratransit, Inc. and withdraws with prejudice its protest filed in the above-captioned proceeding.


William T. Hawke
Malatesta, Hawke, McKeon & Morris
Suite 212 Locust Court
212 Locust St.
P.O. Box 12110
Harrisburg, PA 17108

Counsel for
HSS-Paratransit, Inc.

DATED: December 4, 1984



FRANK F. HERZ
ATTORNEY AT LAW
2 BALA CYNWYD PLAZA
SUITE 725
BALA CYNWYD, PENNSYLVANIA 19004

(215) 568-4722

December 28, 1984

ORIGINAL

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RECEIVED

DEC 31 1984

DEC 31 1984

SECRETARY'S OFFICE
Public Utility Commission

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
North Office Building
P.O. Box 3265
Harrisburg, Pa. 17120

RE: Application of David R. Height III, t/d/b/a Peach Transportation
A-00105714

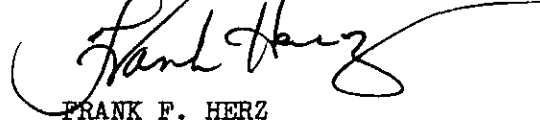
Dear Mr. Smith:

Enclosed on behalf of my client Mr. Height, are an original and ³~~two (2)~~ copies of a restrictive amendment to his original application which we would like to file at this time.

I have made copies and will forward same to the Protestant's of record.

Thank you for your cooperation in this matter.

Yours very truly,


FRANK F. HERZ

FFH/me
encl: restrictive amendment

DOCUMENT
FOLDER

Application of David R. Height, A-105714 (2)

cc: Jack F. Aschinger, Esq.
P.O. Box 999
Harrisburgh, Pa. 17108

Gerald Gornish, Esq.
Wolf, Block, Schorr and Solis-Cohen
Twelfth floor Packard Building
15th and Chestnut Sts.
Phila. Pa. 19102

Ms. Zenola Harper, Esq.
Blank, Rome, Cominsky & McCauley
1200 Four Penn Center Plaza
Phila. Pa. 19103

Michael A. Tier, Esq.
Suite 926, Public Ledger Building
Phila. Pa. 19106

Mr. Roy Miller
c/o HSS Paratransit Inc.
1313 N. Howard St.
Phila. Pa. 19122

Raymond Thistle, Jr., Esq.
Five Cottman Court
426 Cottman Street
Jenkintown, Pa. 19046

RECEIVED
DEC 31 1984
SECRETARY'S OFFICE
Public Utility Commission

ORIGINAL

FRANK F. HERZ, ESQUIRE
Attorney I.D. No. 38760
200 Monument Road
Suite eight
Bala Cynwyd, Pa. 19004
(215) 568-4722

DEC 31 1984
SECRETARY'S OFFICE
Public Utility Commission
Attorney for Applicant

Before

PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the matter of the application of
David Height, III, t/d/b/a Peach
Transportation for a certificate of
public convenience evidencing the
Commission's approval

In re: A. 105714, 1984.

Commonwealth of Pennsylvania

SS.

County of Philadelphia

RESTRICTIVE AMENDMENT TO APPLICATION

That the original application as submitted by applicant,
David R. Height, III t/d/b/a Peach Transportation, which reads
as follows:

Right to begin transport, persons,
in paratransit service, between points
in the counties of Philadelphia, Montgomery,
Delaware, Chester and Bucks;

be amended to read as follows:

DOCUMENT
FOLDER

Right to begin transport, persons, in
paratransit service, between, the western
portion of Philadelphia County and northern
portions of Delaware County.

DOCKETED
JAN 2 - 1985


FRANK F. HERZ
Attorney for Applicant



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

December 31, 1984

IN REPLY PLEASE
REFER TO OUR FILE

Monitor - Chairman Taliaferro

A-00105714

see attached list

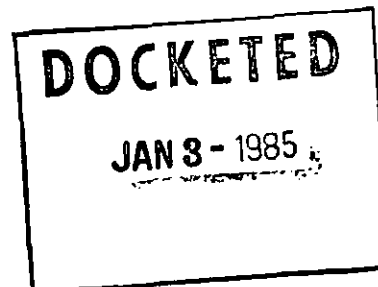
Application of David R. Height, III, t/d/b/a Peach
Transportation - Right to begin to transport, persons,
in paratransit service, between points in the counties
of Philadelphia, Montgomery, Delaware, Chester and Bucks.

N O T I C E

At the request of counsel for applicant, the hearing in the
above-captioned proceeding scheduled for January 4, 1985 has been
postponed to Monday, March 25, 1985, at 10:00 a.m., in Room 1306,
Philadelphia State Office Building, Broad and Spring Garden Streets,
Philadelphia.

The presiding officer in this proceeding will be Administrative
Law Judge Isador Kranzel. Judge Kranzel can be contacted at 1302
Philadelphia State Office Building, Broad and Spring Garden Streets,
Philadelphia, Pennsylvania 19130; telephone (215) 351-2105.

ccs:
Judge Kranzel
Bureau of Non-Rail Transportation
Ms. Crouse
Ms. Dickson
Mr. Bramson
File



David R. Height, III
t/d/b/a Peach Transportation
6220 Race Street
Philadelphia, PA 19139

Frank F. Herz, Esquire
Two Bala Cynwyd Plaza, Suite 725
Bala Cynwyd, Pennsylvania 19004
(for David R. Height, III, t/d/b/a
Peach Transportation)

Jack F. Aschinger, Esquire
212 Locust Street
P.O. Box 999
Harrisburg, PA 17108

Lewis R. Olshin, Esquire
One Franklin Plaza
Philadelphia, PA 19102

Gerald Gornish, Esquire
12th Floor Packard Building
S.E. Cor. 15th and Chestnut Streets
Philadelphia, PA 19102

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212 Locust Street
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Kathleen Herzog Larkin, Esquire
Blank, Rome, Comisky & McCauley
Four Penn Center Plaza
Philadelphia, PA 19103

Raymond A. Thistle, Jr., Esquire
Five Cottman Court
426 Cottman Street
Jenkintown, PA 19046

FRANK F. HERZ
ATTORNEY AT LAW
2 BALA CYNWYD PLAZA
SUITE 725
BALA CYNWYD, PENNSYLVANIA 19004

(215) 508-4722

December 28, 1984

Judge William H. Smith
Chief Administrative Law Judge
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, Pa. 17120

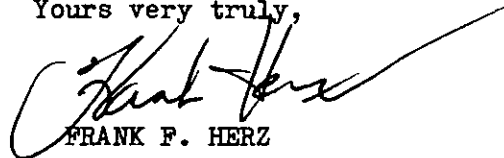
RE: Application of David R. Height III, t/d/b/a/ Peach Transportation
A-00105714
Listed for hearing in Philadelphia on Friday, January 4, 1985

Dear Judge Smith:

Enclosed please find the correspondence I was about to direct to
Judge Kranzel when I learned that it should instead be sent to your Honor.

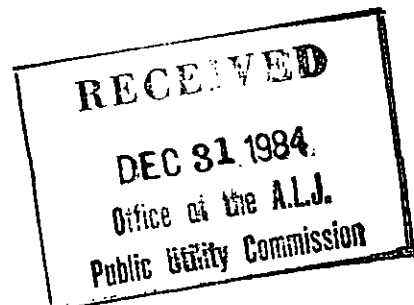
Thank you for your cooperation in this matter.

Yours very truly,


FRANK F. HERZ

FFH/me

encl: Letter to Judge Kranzel and distribution of same
Copy of Restrictive Amendment to original application



FRANK F. HERZ
ATTORNEY AT LAW
2 BALA CYNWYD PLAZA
SUITE 725
BALA CYNWYD, PENNSYLVANIA 19004

(215) 568-4722

December 28, 1984

Judge Isador Kranzel
Administrative Law Judge
1302 Philadelphia State Office Building
Broad and Spring Garden Streets
Philadelphia Pa. 19130

RE: Application of David R. Height III, Peach Transportation, A-105714
listed for hearing on Friday, January 4, 1985, rm 1306

Dear Judge Kranzel:

I have recently been retained to represent Mr. Height in the above caption matter.

By this correspondence, I am waiving on behalf of my client the 90 day required hearing date rule. I am also respectfully requesting that the previously scheduled hearing date of 1/4/85, be continued to a late date in March in that this will afford me more time to resolve the current status of the Protestants.

As previously suggested by Judge Smith, I have contacted the Protestant's attorneys regarding my request and have received no objections to same.

A copy of this request to your Honor will be forwarded to each Protestant's attorney with a copy of a restrictive amendment to my client's original application which was recently filed with Mr. Jerry Rich.

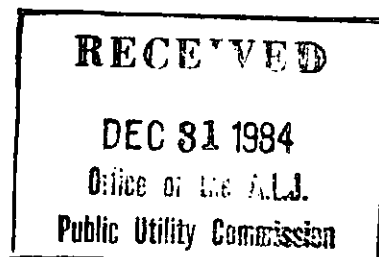
Thank you for your continued cooperation in this matter.

Yours very truly,



FRANK F. HERZ

FFH/me
cc: see page two



Application of David R. Height, A-105714 (2)

cc: Jack F. Aschinger, Esq.
P.O. Box 999
Harrisburgh, Pa. 17108

Gerald Gornish, Esq.
Wolf, Block, Schorr and Solis-Cohen
Twelfth floor Packard Building
15th and Chestnut Sts.
Phila. Pa. 19102

Ms. Zenola Harper, Esq.
Blank, Rome, Cominsky & McCauley
1200 Four Penn Center Plaza
Phila. Pa. 19103

Michael A. Tier, Esq.
Suite 926, Public Ledger Building
Phila. Pa. 19106

Mr. Roy Miller
c/o HSS Paratransit Inc.
1313 N. Howard St.
Phila. Pa. 19122

Raymond Thistle, Jr., Esq.
Five Cottman Court
426 Cottman Street
Jenkintown, Pa. 19046

FRANK F. HERZ, ESQUIRE
Attorney I.D. No. 38760
200 Monument Road
Suite eight
Bala Cynwyd, Pa. 19004
(215) 568-4722

Attorney
for
Applicant

Before
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In the matter of the application of
David Height, III, t/d/b/a Peach
Transportation for a certificate of
public convenience evidencing the
Commission's approval

In re: A. 105714, 1984.

Commonwealth of Pennsylvania

SS.

County of Philadelphia

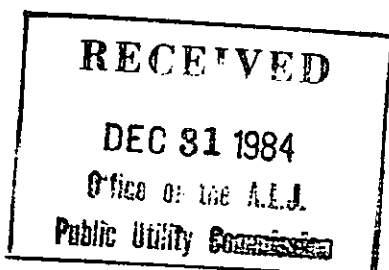
RESTRICTIVE AMENDMENT TO APPLICATION

That the original application as submitted by applicant,
David R. Height, III t/d/b/a Peach Transportation, which reads
as follows:

Right to begin transport, persons,
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Delaware, Chester and Bucks;

be amended to read as follows:

Right to begin transport, persons, in
paratransit service, between, the western
portion of Philadelphia County and northern
portions of Delaware County.




FRANK F. HERZ
Attorney for Applicant

APPEARANCE SHEET

for

HEARING REPORT

DOCKET NO. A. 105714

CASE NAME David R. Height, III,

t/d/b/a Peach Transportation

HEARING LOCATION Philadelphia, PA.

HEARING DATE January 4, 1985

ALJ Kranzel

CHECK THOSE BLOCKS WHICH APPLY:

Hearing concluded _____

Record closed _____

Briefs to be filed _____

Further hearing _____

Estimated add'l days _____

BENCH DECISION _____

REMARKS: Postponed

RECEIVED

JAN 04 1985

Office of the A.D.
Public Utility Commission

DOCUMENT
FOLDER

Names and addresses of parties or counsel of record
Please Print Clearly
Incomplete Information May Result in Delay of Process

NAME	ADDRESS			APPEARING FOR
	City	State	Zip	
	City	State	Zip	
	City	State	Zip	
	City	State	Zip	

Check this box if additional parties of counsel of record appear on back.

Reporter _____

Address

City	State	Zip
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Address

City	State	Zip
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ORIGINAL

Thomas & Thomas
Attorneys and Counsellors at Law

CHARLES E. THOMAS
JAMES K. THOMAS
JACK F. ASCHINGER
CARROLL F. PUROY
JOSEPH P. HAFFER
CHARLES E. THOMAS, JR.
JAMES K. THOMAS II
D. MARK THOMAS
ROGER T. SHOOP
PATRICIA ARMSTRONG
JEFFREY B. RETTIG
PETER J. CURRY
R. BURKE McLEMORE, JR.
THOMAS T. NIESEN
EDWARD H. JORDAN, JR.
ANTHONY STEFANON
DAVID L. SCHWALM
KEVIN E. OSBORNE
LINDA S. PORR
MELINDA S. DICARLO

212 LOCUST STREET
P. O. Box 999
HARRISBURG, PA. 17108

(717) 255-7600

WRITER'S DIRECT DIAL NUMBER
255-7609

January 4, 1985

RECEIVED

JAN 7 1985

SECRETARY'S OFFICE
Public Utility Commission

Jerry Rich, Secretary
Pennsylvania Public Utility Commission
North Office Building
P. O. Box 3265
Harrisburg, PA 17120

In re: Application of
David R. Height, III
t/d/b/a Peach Transportation
A. 105714

Dear Mr. Rich:

We have received a Restrictive Amendment from Frank F. Herz, attorney for the applicant in the above-captioned proceeding, which reads as follows:

"Right to transport, persons, in paratransit service between, the western portion of Philadelphia County and northern portion of Delaware County."

Based upon this Restrictive Amendment and the acceptance of it by the Commission, I am authorized to withdraw the protest of Krapf's Coaches, Inc. However, it is to be understood that the withdrawal is contingent upon the acceptance of this Restrictive Amendment, and further, that we wish to remain a party of record to receive any further orders in this case.

Very truly yours,

THOMAS & THOMAS

By

Jack F. Aschinger
Jack F. Aschinger

DOCKETED
JAN 8 - 1985

DOCUMENT FOLDER

JFA:r:F38
cc: Honorable Isador Kranzel
Frank F. Herz, Esquire
Dale N. Krapf

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
March 14, 1985

Blum-Moore Reporting Service
25 East State Street
Doylestown, PA 18901

RECEIVED

MAR 20 1985

**SECRETARY'S OFFICE
Public Utility Commission**

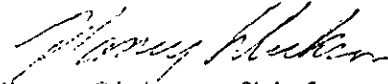
Dear Sir:

Your assignment for hearing before the P.U.C. are as follows:

Philadelphia	Monday, March 25, 1985	<u>A-00105714</u>
	Tuesday, March 26, 1985	A-00095470C831
	Wednesday, March 27, 1985	A. 105608
	Thursday, March 28, 1985	"
	Friday, March 29, 1985	"
Easton	Tuesday, March 26, 1985	A. 105793
(TRAVEL EXPENSE FROM PHILADELPHIA TO EASTON HAS BEEN APPROVED FOR THIS HEARING)		
Bensalem	Tuesday, March 26, 1985	A-00105630
(TRAVEL EXPENSE FROM PHILADELPHIA TO BENSALEM HAS BEEN APPROVED FOR THIS HEARING)		

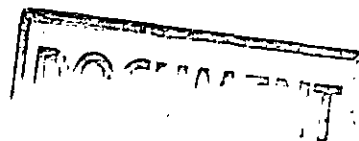
Will you please advise as to acceptance of this assignment.

Very truly yours,


Nancy Dickson, Chief
Office Services
Administrative Law Judge

The above hearings will be covered by our office. Thank you.

Bonnie Blum.



APPEARANCE SHEET

HEARING REPORT

DOCKET NO. A-00105714

CASE NAME David R. Height, III,

t/d/b/a Peach Transportation

HEARING LOCATION Philadelphia, PA.

HEARING DATE March 25, 1985

ALJ Kranzel

CHECK THOSE BLOCKS WHICH APPLY:

Hearing concluded *no*

Record closed *no*

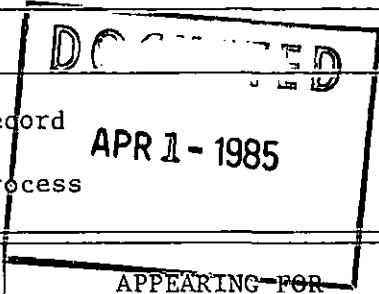
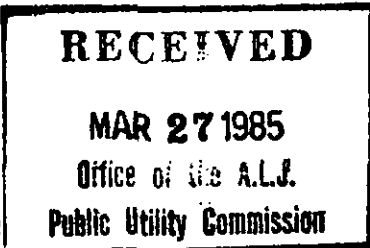
Briefs to be filed _____

Further hearing _____

Estimated add'l days _____

BENCH DECISION _____

REMARKS: *Continued generally*



Names and addresses of parties or counsel of record
Please Print Clearly
Incomplete Information May Result in Delay of Process

NAME	ADDRESS	APPEARING FOR						
Neil	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </table>	City	State	Zip				<div style="border: 1px solid black; padding: 5px; transform: rotate(-10deg);"> <p>COPIES MAILED</p> </div>
City	State	Zip						
Neil S. Wifke Wolf, Block, Schorr & Julis-John	<p style="text-align: center;"><i>12th Floor</i></p> <p style="text-align: center;"><i>Packard Building</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> <tr> <td><i>Phila</i></td> <td><i>PA</i></td> <td><i>19103</i></td> </tr> </table>	City	State	Zip	<i>Phila</i>	<i>PA</i>	<i>19103</i>	<i>Broun</i>
City	State	Zip						
<i>Phila</i>	<i>PA</i>	<i>19103</i>						
<p style="text-align: center;"><i>Michael Tree</i></p> <p><i>Firm</i> <i>F. Emmett Fitzpatrick</i></p>	<p style="text-align: center;"><i>926 Chestnut St.</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> <tr> <td><i>Phila</i></td> <td><i>Pa.</i></td> <td><i>19106</i></td> </tr> </table>	City	State	Zip	<i>Phila</i>	<i>Pa.</i>	<i>19106</i>	<i>Medical Carriers Inc.</i>
City	State	Zip						
<i>Phila</i>	<i>Pa.</i>	<i>19106</i>						
<i>Raymond A. Thistle, Jr</i>	<p style="text-align: center;"><i>Five Cottman Court, 426 Cottman Street</i></p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 33%;">City</td> <td style="width: 33%;">State</td> <td style="width: 33%;">Zip</td> </tr> <tr> <td><i>Jenkintown</i></td> <td><i>PA</i></td> <td><i>19046</i></td> </tr> </table>	City	State	Zip	<i>Jenkintown</i>	<i>PA</i>	<i>19046</i>	<i>Ardmore Cat Co, Inc. et al.</i>
City	State	Zip						
<i>Jenkintown</i>	<i>PA</i>	<i>19046</i>						

Check this box if additional parties of counsel of record appear on back.

Reporter

5

Lewis R. OUSTIN
Duane Morris + Heitzel

1500
Address ONE Franklin Plaza

Russell F. Maxwell Jr
+ 1/d/b/a
Lower Bucks Taxicab Co
Doylestown Taxicab Co.

City	State	Zip
Phila	Pa	19102

KATHLEEN HERZOG LARKIN
BLANK, ROME, COMISKY +
MCCAULEY

Address
1200 FOUR PENN CENTER PLAZA

Metro Transportation
Co t/a
Yellow Cab Co.

City	State	Zip
PHILA	PA	19003

Address

City	State	Zip
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Address

City	State	Zip
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Address

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COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120

April 2, 1985

MONITOR: Chairman Taliaferro

IN REPLY PLEASE
REFER TO OUR FILE
A-00105714

(See attached list)

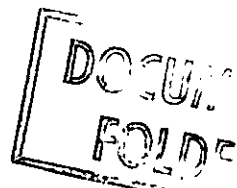
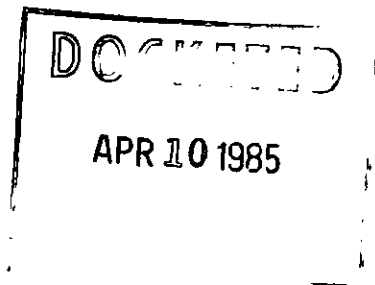
Application of David R. Height, III, t/d/b/a Peach Transportation
(Right to begin to transport, persons, in paratransit
service, between points in the counties of Phila-
delphia, Montgomery, Delaware, Chester and Bucks)

NOTICE

This letter is to inform you that an initial hearing on the
above-captioned case will be held Thursday, May 23, 1985, at 10:00 a.m.,
in Room 1306, Philadelphia State Office Building, Broad & Spring Garden
Streets, Philadelphia, Pennsylvania.

Administrative Law Judge Isador Kranzel will be the presiding
officer in this case. Judge Kranzel's telephone number is (215) 351-2105.
The Judge's address is Room 1302, Philadelphia State Office Building,
Broad & Spring Garden Streets, Philadelphia, Pennsylvania 19130.

cc: Judge Kranzel
Bureau of Non-Rail Transportation
Ms. Crouse
Ms. Dickson
Mr. Bramson
File Room



APPEARANCE SHEET

HEARING REPORT

DOCKET NO. A-00105714

CASE NAME David R. Height, III, t/d/b/a
Peach Transportation

HEARING LOCATION Philadelphia, PA.

HEARING DATE May 23, 1985

ALJ Kranzel

CHECK THOSE BLOCKS WHICH APPLY:

Hearing concluded no

Record closed no

Briefs to be filed _____

Further hearing yes

Estimated add'l days 2

BENCH DECISION _____

REMARKS:
Continued generally

RECEIVED
 MAY 28 1985
 Office of the A.L.J.
 Public Utility Commission

**DOCUMENT
 FOLDER**

DOCKETED
 JUN 04 1985
 APPEARING FOR

Names and addresses of parties or counsel of record
 Please Print Clearly
 Incomplete Information May Result in Delay of Process

NAME	ADDRESS	APPEARING FOR
Frank F. Herz, Esq.	Free David Height - 200 Monument St Rd. BALA cynnyd Suite 8 City State Zip BALA cynnyd PA 19004	David Height
Neil S. Witke	Wolf, Block, Schorr & Sullivan - Cohen 12th Floor Parkard Building City State Zip Philadelphia PA 19102	Brocal Corporation, Protestants
Lewis R. Olsitin	Diane Morris + Hecksley 1500 One Franklin Plaza City State Zip Phila Pa 19102	Russell F. Maxwell Jr t/d/b/a Doylestown Taxicab Co Lower Bucks Taxicab Co.
Norman E. Greenspan	Blank, Rome, Comisky + McCauley 1200 Four Penn Center Plaza City State Zip Phila. PA 19103	Metro Transportation Co, t/a Yellow Cab Co.

Check this box if additional parties of counsel of record appear on back.

Bonnie Hayes
 Reporter

Michael A. Tierney
By Raymond A. Thistle Jr.

Address

Medical Centers, Inc.

City State Zip

Raymond A. Thistle Jr.

Address
First Cottonwood Court
426 Cottonwood Street

Redmore Cat Co., Inc.
Etc

City State Zip
Jeppinatus PA 19046

Address

City State Zip

Address

City State Zip

Address

City State Zip

Address

City State Zip

Address

City State Zip

Address

City State Zip

Address

City State Zip

Address

City State Zip

ORIGINAL

BLANK, ROME, COMISKY & McCAULEY

FOUR PENN CENTER PLAZA

PHILADELPHIA, PENNSYLVANIA 19103

215-569-5500

TWX 710-670-1073 · BLARCOM

TELECOPIER 215-564-5399

4770 BISCAYNE BOULEVARD

MIAMI, FLORIDA 33137

305-573-5500

1401 FORUM WAY

WEST PALM BEACH, FLORIDA 33401

305-686-8100

2000 PENNSYLVANIA AVE., N. W.
WASHINGTON, DC 20006
202-457-7700

89 HADDON AVENUE
HADDONFIELD, NJ 08033
609-354-1400

DIRECT DIAL NUMBER:
215-569-5623

RECEIVED

February 3, 1986

FEB 5 1986

Mr. Jerry Rich, Secretary
Pennsylvania Public Utility Commission
G-18 North Office Building
Harrisburg, Pennsylvania 17120

SECRETARY'S OFFICE
Public Utility Commission

Re: Application of David R. Height, III,
t/d/b/a/ Peach Transportation A-00105714

Dear Mr. Rich:

Enclosed please find the original and two copies of the
Withdrawal of Appearance for filing in the above-captioned
matter.

Very truly yours,

Zenola Harper
ZENOLA HARPER

ZH/kmf
Enclosures
cc: Raymond A. Thistle, Jr., Esquire
Honorable Isador Kranzel
Frank F. Herz, Esquire
Gerald Gornish, Esquire
Lewis R. Olshin, Esquire

**DOCUMENT
FOLDER**

ORIGINAL
RECEIVED

FEB 5 1986

SECRETARY'S OFFICE
~~Public Utility Commission~~

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION OF DAVID R. HEIGHT, III,
t/d/b/a/ PEACH TRANSPORTATION

A-00105714

WITHDRAWAL OF APPEARANCE

TO THE SECRETARY:

Blank, Rome, Comisky & McCauley withdraws its appearance in
the above-captioned proceeding.

BLANK, ROME, COMISKY & MCCAULEY

BY:

Zenola Harper

KATHLEEN HERZOG LARKIN
ZENOLA HARPER
1200 Four Penn Center Plaza
Philadelphia, PA 19103
(215) 569-5500

Dated: February 3, 1986

DOCUMENT
FOLDER

DOCKETED
FEB 06 1986

CERTIFICATE OF SERVICE

I, Zenola Harper, certify that on the 3rd day of February, 1986, I served a copy of the Withdrawal of Appearance by first-class mail, postage prepaid, upon the following:

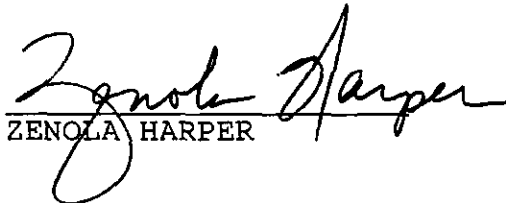
Raymond A. Thistle, Jr., Esquire
Five Cottman Avenue
426 Cottman Street
Jenkintown, PA 19046

Honorable Isador Kranzel
Pennsylvania Public Utility Commission
1302 Philadelphia State Office Building
Broad & Spring Garden Streets
Philadelphia, PA 19130

Frank F. Herz, Esquire
200 Monument Road
Suite Eight
Bala Cynwyd, PA 19004

Gerald Gornish, Esquire
Packard Building, 12th Floor
Philadelphia, PA 19102

Lewis R. Olshin, Esquire
1500 One Franklin Plaza
Philadelphia, PA 19102


ZENOLA HARPER

MCALLISTER & GALLAGHER, P. C.

ORIGINAL

Attorneys at Law

JOHN M. MCALLISTER
JOHN J. GALLAGHER
ANNE K. DELUCA
MARY C. KENNEY

SUITE 1100
1760 MARKET STREET
PHILADELPHIA, PA. 19103

(215) 963-1555

February 18 , 1986

RECEIVED

FEB 20 1986
SECRETARY'S OFFICE
Public Utility Commission

Commonwealth of Pennsylvania
Penna. Public Utility Commission
Jerry Rich, Secretary
P.O. Box 3265
Harrisburg, PA 17120

RE: APPLICATION OF DAVID R. HEIGHT, t/a PEACH
TRANSPORTATION
A. 00105714

Dear Secretary Rich:

Enclosed please find an original and two copies of Entry of Appearance for Metro Transportation Company, in the above captioned matter.

Very truly yours,


JOHN J. GALLAGHER

Enc.
JJG/mab

c.c. Raymond A. Thistle, Jr., Esquire
Honorable Isador Kranzel
Frank F. Herz, Esquire
Gerald Gornish, Esquire
Lewis R. Olshin, Esquire



BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED

FEB 20 1986

SECRETARY'S OFFICE
Public Utility Commission

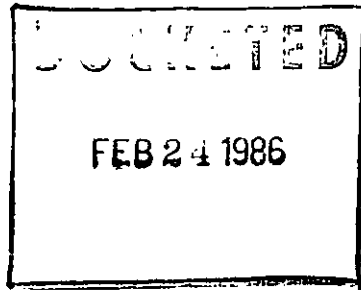
IN RE: : A-00105714
APPLICATION OF DAVID R. HEIGHT, III
t/d/b/a PEACH TRANSPORTATION :

ENTRY OF APPEARANCE

TO THE SECRETARY:

Please enter our appearances in the above captioned matter, as counsel for Metro Transportation Co., t/a Yellow Cab Co., in the above captioned matter.

McAllister & Gallagher, P.C.

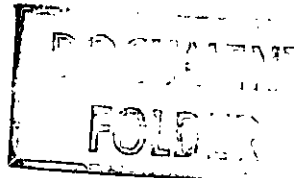


By: John J. Gallagher, Esquire

Mary C. Kenney
Mary C. Kenney, Esquire
1760 Market St., Ste. 1100
Philadelphia, PA 19103
(215) 963-1555

Dated: 2/18/86

Attorneys for Metro Transportation Co. t/a Yellow Cab Co.



BEFORE THE PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: : A-00105714
APPLICATION OF DAVID R. HEIGHT, III
t/d/b/a PEACH TRANSPORTATION :

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of February, 1986, I mailed the foregoing Entry of Appearance to the following in the designated manner:

First-class mail, postage prepaid

Raymond A. Thistle, Jr., Esquire
Five Cottman Court
426 Cottman Street
Jenkintown, PA 19046

Honorable Isador Kranzel
Pennsylvania Public Utility Commission
1302 Phila. State Office Building
Broad & Spring Garden Streets
Philadelphia, PA 19130

Frank F. Herz, Esquire
200 Monument Road
Suite Eight
Bala Cynwyd, PA 19004

Gerald Gornish, Esquire
Packard Building, 12th floor
Philadelphia, PA 19102

Lewis R. Olshin, Esquire
1500 One Franklin Plaza
Philadelphia, PA 19102

McALLISTER & GALLAGHER, P.C.

BY: Mary C Kenney
Mary C. Kenney, Esquire
Ste. 1100, 1760 Market St.
Philadelphia, PA 19103

ORIGINAL

BEFORE THE

PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: APPLICATION OF DAVID R. HEIGHT, III t/d/b/a PEACH TRANSPORTATION A-00105714

RECEIVED

MAR 14 1986

SECRETARY'S OFFICE Public Utility Commission

ENTRY OF APPEARANCE

TO THE SECRETARY:

Please enter my appearances in the above captioned matter, as counsel for Russell F. Maxwell, Jr., t/d/b/a Doylestown Taxicab Co. and Lower Bucks Taxicab Co., in the above captioned matter.

DATED: March 10, 1986

Handwritten signature of Raymond A. Thistle, Jr.

Raymond A. Thistle, Jr. Five Cottman Court 426 Cottman Street Jenkintown, PA 19046 (215) 576-0131

DOCKETED MAR 11 1986

DOCKETED FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: :
APPLICATION OF DAVID R. HEIGHT, III : A-00105714
t/d/b/a PEACH TRANSPORTATION :

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below, he served a copy of the foregoing Entry of Appearance upon all parties of record at their proper addresses as indicated below, by placing the same with the United States Postal Service, first class mail, postage prepaid:

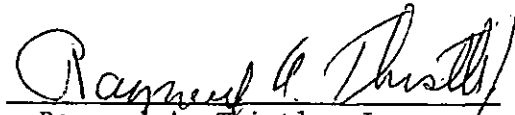
Honorable Isador Kranzel
Pennsylvania Public Utility Commission
State Office Building
Broad & Spring Garden Streets
Philadelphia, PA. 19130

Frank F. Herz, Esquire
200 Monument Road
Suite Eight
Bala Cynwyd, PA 19004

Gerald Gornish, Esquire
Twelfth Floor, Packard Building
Philadelphia, PA 19102

Lewis R. Olshin, Esquire
1500 One Franklin Plaza
Philadelphia, PA 19102

DATED: March 11, 1986


Raymond A. Thistle, Jr.
Five Cottman Court
426 Cottman Street
Jenkintown, PA 19046
Attorney for protestants



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P. O. BOX 3265, HARRISBURG, Pa. 17120
September 29, 1986

IN REPLY PLEASE
REFER TO OUR FILE
A-00105714

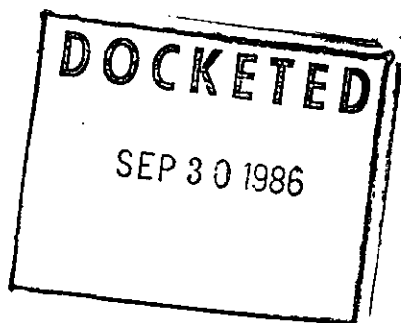
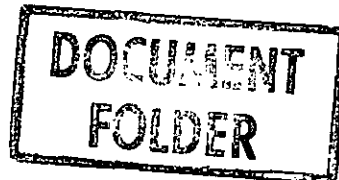
(See letter dated 4/2/85)

Application of David R. Height, III, t/d/b/a Peach Transportation

NOTICE

This is to inform you that a hearing on the above-captioned case will be held Thursday, December 11, 1986, at 10:00 a.m., in Room 1306, Philadelphia State Office Building, Broad and Spring Garden Streets, Philadelphia.

cc: Judge Kranzel
Bureau of Transportation
Ms. Dickson
Mrs. Howell
Mr. Bramson
File Room



ORIGINAL

RECEIVED

OCT 6 1986

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY'S OFFICE
Public Utility Commission

IN RE: :
APPLICATION OF DAVID R. HEIGHT, III : A-00105714
t/d/b/a PEACH TRANSPORTATION

DOCKETED
OCT 07 1986

WITHDRAWAL OF APPEARANCE

TO THE SECRETARY:

Please withdraw my appearance in the above captioned matter, as co-counsel for Metro Transportation Co., t/a Yellow Cab Co., leaving John J. Gallagher, Esquire and Mary C. Kenney, Esquire as counsel of record for such protestant.

Also withdraw my appearance on behalf of Quality Transportation Service, Inc.

DATED: October 2, 1986

Raymond A. Thistle, Jr.

Raymond A. Thistle, Jr.
206B Benson East
100 Old York Road
Jenkintown, PA 19046
(215) 576-0131

DOCUMENT
FOLDER

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: :
APPLICATION OF DAVID R. HEIGHT, III : A-00105714
t/d/b/a PEACH TRANSPORTATION

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date indicated below, he served a copy of the foregoing Withdrawal of Appearance upon all parties of record at their proper addresses as indicated below, by placing the same with the United States Postal Service, first class mail, postage prepaid:

Honorable Isador Kranzel, ALJ
Pennsylvania Public Utility Commission
State Office Building
Broad & Spring Garden Streets
Philadelphia, PA 19130

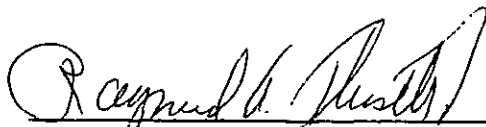
John J. Gallagher, Esquire
Mary C. Kenney, Esquire
Suite 1100
1760 Market Street
Philadelphia, PA 19103

Frank F. Herz, Esquire
200 Monument Road
Suite Eight
Bala Cynwyd, PA 19004

Gerald Gornish, Esquire
Twelfth Floor, Packard Building
Philadelphia, PA 19102

Brian Sommerman
Metro Transportation Co., t/a Yellow Cab Co.
1010 Arch Street
Philadelphia, PA 19107

Dated at Jenkintown, PA, this 2nd day
of October, 1986.


Raymond A. Thistle, Jr., Esquire
206B Benson East
100 Old York Road
Jenkintown, PA 19046
(215) 576-0131
Attorney for Protestant

ORIGINAL

FRANK F. HERZ
ATTORNEY AT LAW
200 MONUMENT ROAD
SUITE EIGHT
P.O. BOX 1022
BALA CYNWYD, PENNSYLVANIA 19004

(215) 877-4476

RECEIVED

DEC 4 1986

**SECRETARY'S OFFICE
Public Utility Commission**

December 2, 1986

Jerry Rich, Secretary
Penna. Public Utilities Commission
Commonwealth of Pennsylvania
P.O. Box 3265
Harrisburg, Pa. 17120

RE: Application of David R. Height, t/a, Peach
Transportation
A. 00105714

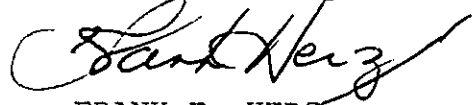
Dear Secretary Rich:

Please be advised that the Applicant, David R. Height, t/a, Peach Transportation, hereby withdraws his application.

It is further requested that the hearing of 12/11/86, before the Honorable Isador Kranzel, be cancelled.

Thank you for your attention to this matter.

Yours very truly,



FRANK F. HERZ

FFH/me

cc: Raymond A. Thistle, Jr. Esquire
Honorable Isador Kranzel
Gerald Gornish, Esquire
Lewis R. Olshin, Esquire
John J. Gallagher, Esquire

**DOCUMENT
FOLDER**

DOCKETED
DEC 5 1986

COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17120
December 4, 1986

In re: A-00105714

(See letter dated 9/29/86)

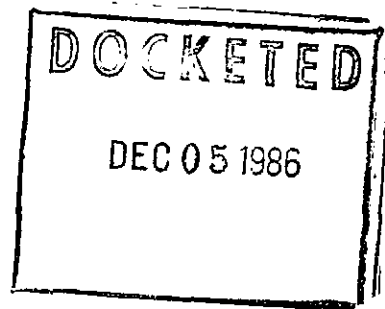
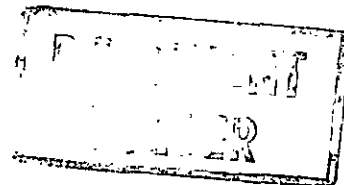
Application of David R. Height, III, t/d/b/a Peach Transportation

N O T I C E

This is to inform you that at the request of counsel for applicant, the initial hearing now scheduled to be held on Thursday, December 11, 1986, in Philadelphia in the subject proceeding has been cancelled, the application is to be withdrawn.

Please change your records accordingly.

cc: Judge Kranzel
Bureau of Trans.
Ms. Dickson
Mr. Bramson
Mrs. Howell
File Room



APPEARANCE SHEET

ALJ HEARING REPORT

DOCKET NO. A-00105714

CASE NAME David R. Height, III,

t/d/b/a Peach Transportation

HEARING LOCATION Philadelphia, PA.

HEARING DATE December 11, 1986

ALJ Kranzel

CHECK THOSE BLOCKS WHICH APPLY:

Hearing held YES NO

Testimony taken YES NO

Hearing concluded YES NO

Further hearing needed YES NO

Estimated add'l days _____

RECORD CLOSED YES NO
Date _____

Briefs to be filed YES NO
Date _____

BENCH DECISION YES NO

REMARKS: _____
Cancelled

RECEIVED

DEC 05 1986

NAMES, ADDRESSES AND TELEPHONE NUMBERS OF PARTIES OR COUNSEL OF RECORD
PLEASE PRINT CLEARLY
INCOMPLETE INFORMATION MAY RESULT IN DELAY OF PROCESS

NAME and TELEPHONE NUMBER	ADDRESS			APPEARING FOR
Telephone No. ()	City	State	Zip	<div style="border: 1px solid black; padding: 5px; display: inline-block;"> DOCUMENT FILED </div>
Telephone No. ()	City	State	Zip	
Telephone No. ()	City	State	Zip	

CHECK THIS BOX IF ADDITIONAL PARTIES OR COUNSEL OF RECORD APPEAR ON BACK.

Reporter *[Signature]*

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State

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LAW OFFICES
LOUIS J. CARTER
7300 CITY LINE AVENUE
PHILADELPHIA, PA. 19151-2291

ORIGINAL

LOUIS J. CARTER*
JOEL E. MAZOR**
MARY ELLEN SCHWAB
JILL EISEMAN BRONSON***
DAVID J. HIRSCH****

(215) 879-8665

IN REPLY PLEASE
REFER TO FILE NO.

MIC 50947A406-0C

* PENNA. & D.C. BAR
** PENNA. & N.Y. BAR
*** NEW YORK BAR ONLY
****PENNA. & GEORGIA BAR

December 31, 1986

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Pennsylvania P.U.C.
Office of the Secretary (Filing Unit)
P.O. Box 3265
Harrisburg, PA 17120

JAN- 5 1987
SECRETARY'S OFFICE
Public Utility Commission

Re: A-00105714, David R. Height, III, t/d/b/a
Peach Transportation. Right to begin to
transport persons in paratransit service
between points in the counties of Philadel-
phia, Montgomery, Delaware, Chester and
Bucks.

DOCKETED

JAN - 5 1987

Ladies/Gentlemen:

Kindly enter my name as an interested party to receive copies
of notices and orders in the above-captioned matter.

With thanks for your courtesies, I am,

Sincerely,



LOUIS J. CARTER

LJC/dem

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IT
R