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January 31, 2014


Secretary Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
P.O. Box 3265
Harrisburg, PA 17105-3265

Re: In re: Smith Bus Company
Application Docket No. A-2013-2396211
Commonwealth of Pennsylvania

To the Clerk:

Enclosed please find an original and three (3) copies of the Protest of Barker Brothers, Inc., v/d/b/a Pittsburgh North Aire Ride in the above-captioned Application for filing (the "Filing"). I have also enclosed an additional copy of the Filing along with a self-addressed stamped envelope. Please time-stamp the Filing and return the same to me at your earliest convenience.

Very truly yours,



Rochelle R. Breier

Enclosure

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SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

SMITH BUS COMPANY, INC : Application Docket
: No. A-2013-2396211
:

PROTEST OF BARKER BROTHERS, INC. t/d/b/a
PITTSBURGH NORTH AIRE RIDE

AND NOW, comes Barker Brothers, Inc. t/d/b/a Pittsburgh North Aire Ride

("Aire Ride") pursuant to 52 Pa. Code §§ 3.381(c)(1) and 5.51 to 5.53 and files its Protest to the above Application, a Statement of which follows:

1. The name, business address and telephone number of Protestant are as follows:

Barker Brothers, Inc. t/d/b/a Pittsburgh North Aire Ride
11670 State Route 85
Kittanning, PA 16201
(724) 548-8536

2. The name, business address and telephone number of Protestant's attorney are as follows:

James H. Norris, Esquire
Rochelle R. Breier, Esquire
Eckert Seamans Cherin & Mellott
44th Floor, 600 Grant Street
Pittsburgh, PA 15219
(412) 566-6000

3. Aire Ride is a carrier authorized by the Pennsylvania Public Utility Commission ("Pa. P.U.C.") to provide paratransit service between points within an airline distance of fifty (50) statute miles of the Armstrong County Courthouse in the Borough of Kittanning, Armstrong County, and from points in said territory to points in Pennsylvania. Applicant now seeks authority to provide paratransit service in the area served by Aire Ride.

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SECRETARY'S BUREAU

Approval of the Application will have a substantial negative impact on Protestant's operation by, inter alia, decreasing passengers and revenue available to Protestant and may result in destructive competition. Approval of the Application is contrary to the public interest. Aire Ride provides adequate and satisfactory service within the area for which it is authorized to provide service. There is no need for the proposed service in the area served by Aire Ride.

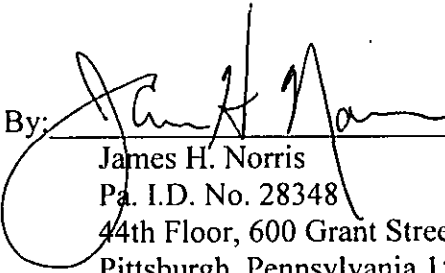
4. Aire Ride is currently authorized to operate (1) paratransit service under authority at Pa. P.U.C. docket number A-00109425, Folder 1, (2) call or demand service under authority at Pa. P.U.C. docket number A-00109425, Folder 2, and (3) group and party service pursuant to the letter of this Commission dated January 13, 1999. Copies of the Authority, Certificates of Public Convenience and January 13, 1999 letter relating to Aire Ride's authority are attached hereto as Exhibit 1.

5. At this time, Aire Ride is not aware of any restriction or amendment of the Application which would result in the withdrawal of this Protest.

WHEREFORE, Aire Ride respectfully requests that your Honorable Commission deny the Application of Smith Bus Company, Inc.

Respectfully submitted,

ECKERT SEAMANS CHERIN & MELLOTT

By: 
James H. Norris
Pa. I.D. No. 28348
44th Floor, 600 Grant Street
Pittsburgh, Pennsylvania 15211
(412) 566-6000

Dated: January 30, 2014

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PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held April 11, 1991

Commissioners Present:

William H. Smith, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Frank Fischl, Commissioner
Wendell F. Holland, Commissioner
David W. Roika, Commissioner

Application of Barker Brothers, Inc.,
a corporation of the Commonwealth of
Pennsylvania, for the right to begin to
transport, as a common carrier, by motor
vehicle, persons in paratransit service
between points within an airline distance
of fifty (50) statute miles of the
Armstrong County Courthouse in the
borough of Kittanning, Armstrong County,
and from points in said territory; to
points in Pennsylvania, and return;
excluding service between points in the
county of Allegheny.

A-00109425

Eckert, Seamans, Cherin & Mellott by James H. Norris for the applicant.
John E. Fullerton for J & D's, Inc.

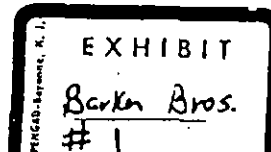
O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 11, 1990. Public notice of the application was given in the Pennsylvania Bulletin of August 11, 1990. A single protest filed by J & D's, Inc., was later withdrawn predicated upon our acceptance of a restrictive amendment which provides that no right, power or privilege be granted to transport persons from points in Centre County or between points in Centre County.

The now unopposed application, as amended, is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and 31 supporting parties.

William J. Barker, president of Barker Brothers, Inc., set forth in his verified statement that Barker Brothers, Inc., is a Pennsylvania corporation with its offices at R.D. 2, Kittanning, Armstrong County. The owners



of Barker Brothers, Inc., are also part owners of Barker, Inc., which has operated school bus service in Armstrong and Indiana Counties for the past 30 years. Barker Brothers seeks to transport persons in paratransit service between points which are within a 50-mile radius of the Armstrong County Courthouse which is located in the borough of Kittanning, Armstrong County. It will also provide transportation from points in this territory to points in Pennsylvania and return but excluding service which is wholly within the county of Allegheny.

Barker Brothers, Inc. will share terminal facilities with Barker, Inc. These facilities provide maintenance, fuel service, vehicle cleaning, parking, administration, scheduling, dispatching and training. At this location is an FM two-way radio system which allows the company to handle business, rider problems, equipment problems, and road conditions within a 90-mile radius of the terminal. The applicant will place four vehicles into service being a 1990 Dodge Maxi Van which is equipped with a wheelchair lift and three 1985 12-passenger vans.

All equipment is routinely maintained and safety inspected. A safety program is in place which includes quarterly safety meetings and training of new drivers.

As evidence of its financial capacity to initiate service, the applicant provided a balance sheet as of November 30, 1990, reporting total assets of \$41,096.66 with total liabilities of \$19,418.96.

Tom C. Simmons, operations manager and programs director for Mid-County Transit Authority, Kittanning, Armstrong County, set forth in his verified statement that the transit authority fully supports the application of Barker Brothers, Inc., to provide alternative transportation services in and for the county of Armstrong and surrounding counties. Although Mid-County Transit Authority operates as a public transit provider for fixed-route service and shared-ride service with 203 funding, additional service is desirable in these rural counties.

Betty Beale, executive director of United Cerebral Palsy of Western Pennsylvania, Inc., Spring Church, Armstrong County, set forth in her verified statement that the supporting party is a provider of early intervention and attending care services within Armstrong and Indiana Counties. It provides services to children and adults in Armstrong, Indiana and Westmoreland Counties. The availability of the applicant's service to provide transportation to medical and therapeutic appointments would be desirable.

Larry J. McCluskey, transportation coordinator for ARIN Intermediate Unit 28, Shellocta, Indiana County, set forth in his verified statement that the supporting party is a regional educational service agency within Armstrong and Indiana Counties. Limited public transportation exists in Armstrong and Indiana Counties and additional public transportation is needed. Service is needed to doctor or medical facilities in the evenings or on weekends, to hospitals in the Pittsburgh area, and for persons traveling to work at the Progressive Workshops in either Indiana or Armstrong Counties.

Larry J. McCluskey, also entered a statement as area manager for the Armstrong-Indiana Special Olympics, Indiana, Indiana County, which set forth that many activities in which the agency is involved occur on weekends and during the summer months during which time school transportation is not available. In addition, because many Special Olympic events are not school sponsored activities, school districts cannot provide transportation. Adults involved in the Special Olympics have little or no access to transportation to these events. The availability of the applicant's paratransit service would greatly aid travel needs.

Walter P. Jack, Jr., rehabilitation services coordinator, and Leonard M. Meneely, executive director, entered a joint statement on behalf of the Progressive Workshop of Armstrong County setting forth that the agency is a vocational rehabilitation facility which provides vocational rehabilitation, personal work adjustment training and job placement services to mentally and physically handicapped individuals. The Progressive Workshop of Armstrong County would find the availability of a paratransit service desirable in meeting the needs of their clients. There is a requirement for transportation of approximately 45 individuals in the areas of Sugarcreek and Manor Townships, Rural Valley, Elderton, Apollo, Leechburg, Vandergrift, and Worthington, all in Armstrong County, and Chicora, in Butler County.

James St. Clair, set forth in a letter that he is a handicapped individual residing in Indiana, Indiana County, who desires the availability of a paratransit service with a wheelchair, lift-equipped van. He requires service to doctors or social activities. Although his parents have a van equipped with a lift, public transportation is desirable when that vehicle is not available.

Mary Kay Emigh, set forth in a letter that she resides at 210 Barclay Heights, Indiana, Indiana County. She has multiple sclerosis and is without transportation. She needs transportation to the YMCA for swimming and rehabilitation. She requires transportation in a vehicle equipped with a wheelchair lift.

Scott Guella, set forth in a letter that he resides in Indiana, Indiana County and that he has spina bifida. He is confined to a wheelchair and desires transportation in a van equipped with a wheelchair lift. Of his own knowledge, he knows that such transportation is badly needed in Indiana County.

Larry Glossner, transportation officer for Central Intermediate Unit No. 10, West Decatur, Clearfield County, set forth in his verified statement that transportation in wheelchair lift equipped vans is desirable in Clearfield County as these types of vehicles are in short supply.

DeWayne B. Greenlee, transportation coordinator for Riverview Intermediate Unit, Shipperville, Clarion County, set forth in his verified statement that Riverview Intermediate Unit serves schools in the counties of Clarion, Forest, Jefferson, Venango and parts of the counties of Armstrong, Butler, Clearfield, Crawford, Elk, Indiana and Warren. Several times, people have called requesting transportation, but Riverview Intermediate Unit has

been unable to provide that transportation. The availability of a licensed paratransit operator in this territory would meet the needs of persons in this rural location.

Drew Grivna, executive director of the Association for Retarded Citizens, Beaver County Chapter, Inc., Monaca, Beaver County, set forth in his verified statement that the ARC Beaver County, Inc., is a private, non-profit organization which provides services to mentally-retarded individuals in the community. Quality transportation of handicapped individuals is needed within Beaver County. A prime concern has been the unmet needs of individuals residing in the more rural areas of Beaver County such as North Sewickley, Raccoon Township and Enon Valley.

Rachel Grubbs, president of Association for Retarded Citizens, Inc., Jefferson County, set forth in her verified statement that transportation in this rural area is much needed for retarded citizens.

Michael C. Gruitza, a member of the Pennsylvania House of Representatives set forth in his verified statement that he supports the application of Barker Brothers, Inc., for paratransit service within a 50-airmile radius of Armstrong County Courthouse in Kittanning. He indicates that the availability of this service would benefit handicapped and disabled persons in this region.

John C. Jordan, intensive case manager for the Allegheny Valley Mental Health/Mental Retardation Program, New Kensington, Westmoreland County, set forth in his verified statement that there is an unmet need for transportation in this area and that Allegheny Valley Mental Health/Mental Retardation Program supports the availability of paratransit service.

Andrew Billow, Jr. representing the 72nd Legislative District in Armstrong, Cambria and Indiana Counties, set forth in his verified statement that he supports the application to provide paratransit service within a 50-airmile radius of Armstrong County Courthouse in Kittanning. The provision of this service would benefit handicapped and disabled persons residing within this area.

Anthony L. Collozzo, a member of the Pennsylvania House of Representatives, for the Cannonsburg, Washington County area, set forth in his verified statement that the availability of paratransit service will fill existing gaps in transportation services in this area, particularly for those who must use wheelchairs or otherwise have limited ability to walk and move about.

Patricia Carone, a member of the Pennsylvania House of Representatives, representing the 12th Legislative District comprised of Lawrence and Butler Counties; set forth in a verified statement that she strongly supports the application for paratransit service as this service would benefit handicapped and disabled persons in the region.

Congressman William F. Clinger, Jr., set forth in his verified statement that he supports the availability of the applicant's service due to

the rural nature of much of this area and that public transportation is very limited or does not exist at all. The transportation needs of many people, particularly the handicapped individuals, are not being met. The availability of paratransit service would aid in meeting this need.

Timothy M. Cornell, chairman of transportation committee, Health and Human Service Council for Butler County, set forth in his verified statement that the Health and Human Service Council is an organization of 48 health, service, governmental agencies which promotes and coordinates services to citizens in Butler County. A persistent problem facing citizens of Butler County is the availability of transportation.

Amy Lou Beck, set forth in her verified statement that she represents the Special Olympics of Pennsylvania in DuBois, Jefferson County. The Special Olympics program covers a very rural and large area and the availability of paratransit service would aid persons in this territory in meeting their transportation requirements. The organization now has 213 registered persons with mental retardation and at least another 200 persons who cannot avail themselves of the Special Olympics program due to lack of transportation.

Dorothy G. Fornaf, a registered nurse working with the Elks Home Service Nurse Agency, with service being provided in the counties of Forest, Clarion, Crawford, Venango and Mercer, set forth that her clients have varying degrees of handicap, some of which require vans with lifts to accommodate their wheelchairs. Due to rural locations, many must be transported to cities such as Pittsburgh to obtain necessary evaluations and treatment. There is a need for paratransit service.

David W. Jordan, a resident of Greensburg, Westmoreland County, set forth in a verified statement that due to physical limitations, it is very difficult for him to use available transportation which lacks specialized service. It is his personal experience that he is one of many citizens in the area needing a paratransit service which has vehicles equipped with wheelchair lifts.

Allen G. Kukovich, a member of the Pennsylvania House of Representatives, representing Westmoreland County, set forth in his verified statement that he believes the proposed service would benefit people with disabilities in this region. It would help wheelchair users or those with limited motor skills to get from many rural and suburban locations to therapy or medical facilities.

Frank LaGrotta, a member of the Pennsylvania House of Representatives, representing the counties of Beaver, Lawrence and Mercer, set forth in his verified statement that the availability of the proposed service would benefit persons in the territory.

Susan Laughlin, a member of the Pennsylvania House of Representatives, representing Beaver County, set forth in her verified statement that the provision of general transportation is vital to many individuals. Additional paratransit service in the area requested by the applicant would

provide significant independence for citizens who have disabilities and handicaps.

Ronald D. Painter, chief administrative officer for the Tri-County Private Industry Council, Inc., Butler, Butler County, set forth in his verified statement that the agency endorses the application for paratransit service. The Tri-County Private Industry Council provides services in the counties of Butler, Armstrong and Indiana.

Timothy L. Pesci, a member of the Pennsylvania House of Representatives, representing Armstrong County, set forth in his verified statement that the proposed service would benefit handicapped and disabled persons.

Patrick J. Stapleton, a member of the Senate of Pennsylvania, representing the counties of Armstrong, Clearfield, Indiana, Clarion and Jefferson, set forth in his verified statement that a real need exists for paratransit service in the 41st Senatorial District.

Thomas A. Tangretti, a member of the Pennsylvania House of Representatives, representing Westmoreland County, set forth in his verified statement that he believes service would benefit handicapped and disabled persons in this region. The proposed service in the northern tip of Westmoreland County would be most helpful.

Samuel J. Wagner, Stephen E. Hale and Gerald L. Cussins, Jr., Commissioners for Forest County, set forth in a letter that the availability of a paratransit service in Forest County is desirable.

David R. Wright, a member of the Pennsylvania House of Representatives, representing Armstrong and Clarion Counties, set forth in his verified statement that he believes the proposed service would help those persons that are wheelchairbound or have limited motor skills to get from many suburban and rural locations to therapy or medical facilities.

DISCUSSION AND FINDINGS

Barker Brothers, Inc., seeks to initiate certificated service in Pennsylvania providing paratransit service between points within an airline distance of 50 statute miles of the Armstrong County Courthouse which is located in the borough of Kittanning, Armstrong County. It will provide service from this area to points in Pennsylvania and return. The applicant has excluded service between points in Allegheny County. By virtue of the applicant's affiliation with Barker, Inc., a business which is involved in school student transportation, it has the availability of facilities which are adequate to maintain the certificated service. Barker Brothers, Inc. will place four vehicles into operation, one of which is a van which is modified with a wheelchair lift. The applicant has provided evidence of its financial capacity to start up and maintain common carrier operations.

The applicant has entered 31 supporting verified statements from persons in the application territory. These statements may be characterized as individuals and persons representing social service organizations and

public officials who desire the availability of paratransit service. The statements entered are representative of the counties of Armstrong, Indiana, Westmoreland, Butler, Clearfield, Clarion, Forest, Jefferson, Venango, Elk, Beaver, Mercer, Washington and Lawrence, all of which are entirely or partially within the 50-mile radius proposed by the applicant. Two statements were entered which state a requirement for service in the counties of Warren and Crawford, however, those counties are beyond the 50-mile territory. The applicant has not provided statements which specifically mention Allegheny County, Cambria County, Somerset County or Washington County. Three statements have been entered, however, which speak to a need for service within the entire 50-mile radius. It is our determination after examination of the record that the applicant has provided representative evidence which is sufficient to cover the territory proposed. All the statements indicate a need for paratransit service in this area, particularly service provided in vans equipped with doors and ramps to accommodate wheelchairs.

Turning our attention to the restrictive amendment which was entered to secure the withdrawal of the one protestant, we find that its inclusion in the authority to issue is unnecessary. The restrictive amendment excludes service between points in Centre County and from points in Centre County. Centre County is a point beyond the 50-mile territory proposed by the applicant. The applicant is not permitted to provide service between points in Centre County by virtue of the way the application has been filed. Service cannot be provided from Centre County unless the service originated in a county within the 50-mile radius of the Armstrong County Courthouse. The only service which would be authorized from Centre County would be "return" service from that county for transportation which originated in the 50-mile radius.

We find:

1. The applicant has transportation experience, has equipment and has the financial capacity to render the proposed service.
2. The applicant has garnered public support for this application and that support is representative of the territory proposed.
3. Inclusion of the restrictive amendment to secure the withdrawal of the single protest is unnecessary as Centre County, which is subject in the restrictive amendment, is a county beyond the 50-mile radius of the Armstrong County Courthouse as proposed in the application.
4. Approval of the application to authorize Barker Brothers, Inc., to provide paratransit service in this territory is proper for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved granting the following right:

To transport, as a common carrier, persons in paratransit service between points within an airline distance of fifty (50) statute miles of the Armstrong

County Courthouse in the borough of Kittanning, Armstrong County, and from points in the said territory to points in Pennsylvania, and return;

subject to the following condition:

That no right, power or privilege is granted to provide service between points in the county of Allegheny.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by the applicant or subsequently granted to the applicant 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 it shall have complied with the requirements of the Public Utility Code 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.

IT IS FURTHER ORDERED: That upon compliance with the requirements hereinbefore set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above-determined.

IT IS FURTHER ORDERED: That in the event the applicant has not, on or before sixty (60) days from the date of service of the 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 11, 1991

ORDER ENTERED: APR 19 1991

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF: A. 00109425, Folder 1

BARKER BROTHERS, INC., a corporation of the Commonwealth of PA

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

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 18th day of JUNE, 1991.



Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held April 9, 1992

Commissioners Present:

David W. Rolka, Chairman
Wendell F. Holland

Application of Barker Brothers, Inc., a corporation of the Commonwealth of Pennsylvania, for the additional right to transport as a common carrier, by motor vehicle, persons in call or demand service, in the boroughs of Elderton, Ford City, Ford Cliff, Freeport, Rural Valley, Kittanning, West Kittanning, Atwood, Manorville, Applewold and Worthington, and the townships of West Franklin, East Franklin, Rayburn, Valley, Cowanshannock, Plum Creek, Kittanning, Manor, North Buffalo, Cadogan and South Buffalo, all in Armstrong County; and in the boroughs of Brackenridge and Tarentum and the townships of Harrison, Fawn, Frazer and East Deer, Allegheny County; which is to be a transfer of the right authorized under the certificate issued at A-00105421, F. 1, to John M. Dunham, t/d/b/a John M. Dunham Transportation, subject to the same limitations and conditions.

A-00109425
F. 2

James H. Norris for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application for transfer of operating authority filed on January 24, 1992, and published in the Pennsylvania Bulletin of March 14, 1992. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

In addition to this application for permanent authority, the applicant also filed applications for emergency temporary authority and temporary authority to operate the right of the transferor, pending disposition of this permanent authority application. The application for emergency temporary authority, docketed at Folder 6000, was denied by our order adopted on February 27, 1992, for failure to have established an immediate need. The

application for temporary authority is pending and will be dismissed as the result of the disposition of the instant application for permanent authority.

The authority which is the subject of transfer here, consists of call or demand taxi service in certain townships and boroughs in Armstrong and Allegheny Counties. In addition to this authority, John M. Dunham, t/d/b/a John M. Dunham Transportation (or transferor), holds other authority at A-00109425, F. 2, authorizing him to provide airport transfer service from the borough of Kittanning, Armstrong County, and within a 35 airline mile radius thereof, to the Allegheny County Airport and the Greater Pittsburgh International Airport in Allegheny County. In addition to this application for transfer of the call or demand authority at F. 1, the applicant also filed a companion application docketed at A-00109425, F. 3, for transfer of the airport transfer authority held by the transferor at F. 2. By virtue of both applications, the transferor is relinquishing all of its Pa. P.U.C. operating rights.

Barker Brothers, Inc. (or applicant) currently holds a certificate at A-00109425, F. 1, which authorizes it to provide paratransit service between points within a 50 airline mile radius of the Armstrong County Courthouse in the borough of Kittanning, Armstrong County, and from that area to points in Pennsylvania, and return. It conducts operations from a facility located at R.D. #2, Kittanning, Armstrong County.

William J. Barker, president of the applicant corporation, states that the owners of the applicant are also part owners of Barker, Inc., which has operated school bus service in Armstrong and Indiana Counties for the past 30 years. Other than this affiliation, neither the applicant nor its stockholders are in control of or affiliated with any other carriers regulated by this Commission.

The applicant proposes to begin furnishing service immediately upon approval of this application with three four door sedans and one seven passenger van. An unaudited balance sheet shows that as of September 30, 1991, the applicant had current assets of \$44,714, total assets of \$71,164, with current liabilities of \$32,759 and total liabilities of \$33,559, leaving stockholders' equity of \$37,605.

Under the terms of a sales agreement dated January 16, 1992, the applicant is purchasing both of the transferor's rights at Folders 1 and 2, together with a computer system, for the total sum of \$25,000. The sum of \$3,500 is allocated to the computer system, with \$10,750 allocated to each of the two operating rights. Settlement will be made within 14 days of receipt of our order approving the application.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly,

440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. That the applicant is fit, willing and able to provide the service proposed.

2. That transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that a certificate be issued granting the applicant the right to operate as follows:

To transport, as a common carrier, persons upon call or demand, in the boroughs of Elderton, Ford City, Ford Cliff, Freeport, Rural Valley, Kittanning, West Kittanning, Atwood, Manorville, Applewold and Worthington, and the townships of West Franklin, East Franklin, Rayburn, Valley, Cowanshannock, Plum Creek, Kittanning, Manor, North Buffalo, Cadogan and South Buffalo, all in Armstrong County; and in the boroughs of Brackenridge and Tarentum and the townships of Harrison, Fawn, Frazer and East Deer, Allegheny County;

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 property and rights 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 rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$10,750, being the amount of the consideration payable by it for the rights and going concern value

attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.

4. 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; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
5. 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 66 PA C.S.A. Section 1102(a)(3).

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 Code 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 issuance of the certificate be withheld pending receipt of the 1991 Annual Report of the transferor.

IT IS FURTHER ORDERED: That upon compliance with the requirements as set forth, a certificate issue evidencing the Commission's approval of the right to operate as above-determined.

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 pending application for temporary authority be and is hereby dismissed.

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 upon compliance with this order, the right granted the transferor, John M. Dunham, t/d/b/a John M. Dunham Transportation, at A-00105421, F. I, be cancelled and the record be marked closed.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: April 9, 1992

ORDER ENTERED: APR 13 1992

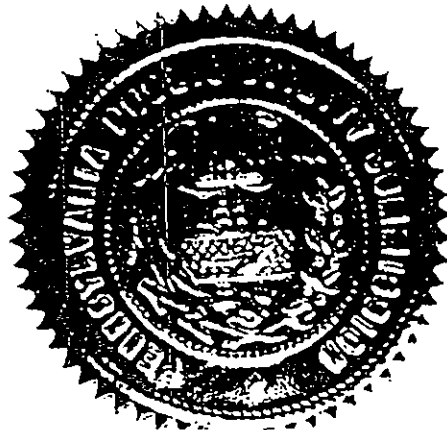
PENNSYLVANIA
PUBLIC UTILITY COMMISSION

A-00109425, Folder 2
IN THE MATTER OF THE APPLICATION OF:

BARKER BROTHERS, INC.

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

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 27th day of APRIL, 1892.



John H. Alford

Secretary

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held June 4, 1992

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
Wendell F. Holland, Commissioner

Request of Barker Brothers, Inc.
to add a trade name.

A-00109425
Fs. 1, 2, 3

O R D E R

BY THE COMMISSION:

This matter comes before the Commission upon letter-request of Barker Brothers, Inc. that its certificates of public convenience be changed to stand in the name of Barker Brothers, Inc., t/d/b/a Pittsburgh North Aire Ride pursuant to 52 Pa. Code §3.381(a)(6)(ii).

Upon review of the request, it appears that the necessary filings have been made; THEREFORE,

IT IS ORDERED: That the request be and is hereby approved and that the certificates issued to Barker Brothers, Inc. be changed to stand in the name of Barker Brothers, Inc., t/d/b/a Pittsburgh North Aire Ride.

IT IS FURTHER ORDERED: That the certificates holder shall effect the name change on its tariff filings with the Commission.

IT IS FURTHER ORDERED: That in the event said certificates holder has not effected the name change on its tariff filings within thirty (30) days from the date of service of this order, the request shall be deemed denied without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with the requirements of this order, the certificates shall be endorsed in the name of Barker Brothers, Inc., t/d/b/a Pittsburgh North Aire Ride.

BY THE COMMISSION,



John G. Alford
Secretary

(SEAL)

ORDER ADOPTED: June 4, 1992

ORDER ENTERED: June 11, 1992



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
1103 PITTSBURGH STATE OFFICE BUILDING
300 LIBERTY AVENUE
PITTSBURGH, PENNSYLVANIA 15222-1210

Telephone: (412) 565-3550
FAX: (412) 565-5692

IN REPLY PLEASE
REFER TO OUR FILE

January 13, 1999.

--Re: Application of Barker Brothers, Inc., t/d/b/a Pittsburgh North Aire Ride
Docket No. A-00109425F0005

TO ALL PARTIES OF RECORD:

As you may know, on December 17, 1998, the Commission adopted its Final Decision in *Regulation of Group and Party Carriers*, Docket No. P-00981458. The Decision was entered on January 11, 1999, became effective upon its entry and is to be published in the Pennsylvania Bulletin.

In this Final Decision, as I understand it, the Commission determined that the Federal pre-emption of State regulation of the rates and services of charter bus transportation shall be applicable to all classes of group and party service in Pennsylvania, in vehicles carrying more than 15 passengers, including the driver. Further, as provided at page 9 of its Final Decision:

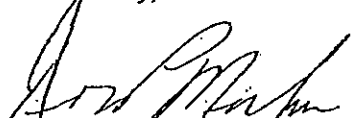
All currently certificated carriers providing group and party service will have the following right, beyond their existing rights:

To transport persons, in group and party service, in vehicles with seating capacities of more than 15, including the driver, between points in Pennsylvania.

As explained in footnote 9, "existing rights" will be applicable only to service provided in vehicles having a seating capacity of 15 passengers or less, including the driver.

In light of this Final Decision, please be advised that I do not intend to issue an Initial Decision in this proceeding. It is my opinion that this Final Decision grants the Applicant the right to provide the service proposed in the application.

Sincerely,

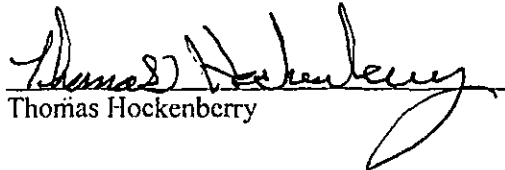

Robert P. Meehan
Administrative Law Judge

cc: Hon. Robert A. Christianson, CALJ
File Room

VERIFICATION

I, Thomas Hockenberry, General Manager of Barker Brothers, Inc., do hereby verify that I am authorized to and do make this Verification for Barker Brothers, Inc.; that I have read the foregoing Protest and that the facts set forth herein are true and correct (or are true and correct to the best of my knowledge, information and belief); and I expect the said Barker Brothers, Inc. to be able to prove the same at any hearing hereof.

I understand that the statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.


Thomas Hockenberry

Dated: January 29, 2014

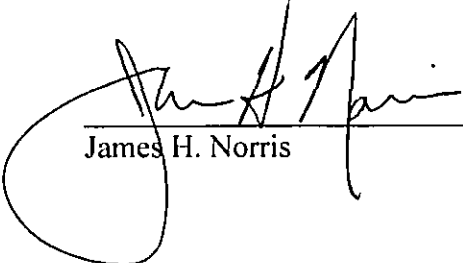
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SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

I hereby certify that on the 31 day of January, 2014, a true and correct copy of the foregoing Protest was served upon the following person in accordance with the requirements of 52 Pa. Code § 1.54:

By First Class U.S. Mail/Postage Prepaid:

Smith Bus Company, Inc.
271 Old William Penn Highway
Blairsville, PA 15717


James H. Norris

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SECRETARY'S BUREAU