

PUC-77

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheets

1. <u>REPORT DATE:</u>	:	2. <u>BUREAU AGENDA NO.</u>
July 28, 1987	:	SEP-87-T-1000*
3. <u>BUREAU:</u>	:	
Transportation	:	
4. <u>SECTION</u>	:	5. <u>PUBLIC MEETING DATE:</u>
Technical Review	:	
6. <u>APPROVED BY:</u>	:	September 17, 1987
Director: Ernst 7-2154	:	
Supervisor: Marzolf 3-5945	:	
7. <u>MONITOR:</u>	:	
	:	
8. <u>PERSON IN CHARGE:</u>	:	
G. Travitz 3-5947	:	
9. <u>DOCKET NO.:</u>	:	
A-00107294	:	

DOCKETED

OCT 7 - 1987

10. (a) CAPTION (abbreviate if more than 4 lines)
 (b) Short summary of history & facts, documents & briefs
 (c) Recommendation

(a) Application of Bucks County Transport, Inc., Doylestown, Bucks County, 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, between points in the county of Bucks.

(b) The application was opposed by two carriers; both protests were withdrawn upon reconsideration without restrictive amendment. Upon withdrawal of the protests, ALJ Christianson certified the record consisting of 63 pages of testimony and three exhibits, to the Bureau of Transportation under modified procedure. Applicant contends that the proposed authority is exempt from P.U.C. jurisdiction, but has made application to comply with PennDOT and so as not to be in violation of the Public Utility Law. Applicant also has authority pending for paratransit authority through a transfer application. Applicant currently operates pursuant to a grant of emergency temporary adopted May 18, 1987. A temporary authority application was filed concurrently with the permanent application, the temporary authority will be dismissed with adoption of this order. We find the granting of a brokerage license is consistent with the public interest.

(Continued)

11. MOTION BY: Commissioner Chm. Shane Commissioner Taliaferro - Yes
 Commissioner Smith - Not voting
 SECONDED: Commissioner Fischl Commissioner

CONTENT OF MOTION: Staff recommendation adopted.

**DOCUMENT
FOLDER**

Commissioner William H. Smith has recused himself from this proceeding.

(c) The Bureau of Transportation recommends that the Commission adopt the proposed order approving the application. The temporary authority application be dismissed with adoption of the instant order.



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

September 25, 1987

IN REPLY PLEASE
REFER TO OUR FILE

A-00107294

DOCKETED
OCT 01 1987

James D. Campbell, Jr., Esquire
130 State Street
P.O. Box 1000
Harrisburg, PA 17108

Application of Bucks County Transport, Inc., a corporation of the Commonwealth of Pennsylvania

Enclosed is the compliance order issued by the Commission in this proceeding.

The brokerage license evidencing the Commission's approval of the right to operate will not be issued until the applicant furnishes a bond or other security approved by the Commission in an amount of not less than \$10,000 to insure the financial responsibility of the applicant in providing brokerage services.

No broker shall operate until it has complied with the above requirement and a brokerage license has been issued authorizing actual operations. Brokers operating without complying with the above requirement will be subject to the penalty provisions of the Public Utility Law.

Commission regulations require compliance with all of the above requirements within sixty days of the date of this letter. Failure to comply within the sixty day period will cause the Commission to rescind the action of September 17, 1987 and dismiss the application without further proceedings.

cc: Bucks County Transport, Inc.
70 West Oakland Avenue
Doylestown, PA 18901

Very truly yours,

Jerry Rich, Secretary

DOCUMENT
FOLDER

fao

Encls.

Certified Mail

Receipt Requested

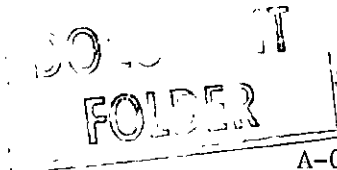
Questions concerning the bond filing should be directed to: Mr. McCarthy-Insurance
Section (717)787-1227

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 17, 1987

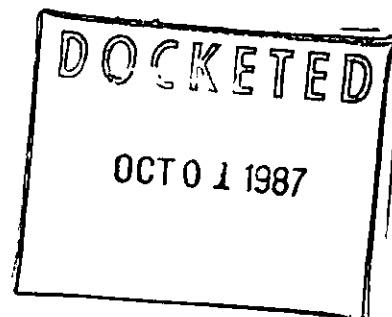
Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith, not voting



A-00107294

Application of Bucks County Transport, Inc., 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, between points in the county of Bucks.



Campbell, Spitzer, Davis & Turgeon by James D. Campbell, Jr. for the applicant.
Michael A. Tier for protestants, Carol Lines, Inc., and Tracey Tours.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 27, 1987. Public notice of the application was given in the Pennsylvania Bulletin of February 14, 1987. Protests were filed by Carol Lines, Inc., and Tracey Tours. A hearing was held in Harrisburg before Administrative Law Judge Robert Christianson on May 28, 1987. The protest of Carol Lines, Inc., and Tracey Tours were withdrawn upon reconsideration without restrictive amendment. The record, consisting of sixty-three (63) pages of testimony (from applicant) and three (3) exhibits, was certified to the Bureau of Transportation under modified procedure.

DISCUSSION AND FINDINGS

Bucks County Transport, Inc., Doylestown, Bucks County, is a corporation of the Commonwealth of Pennsylvania. Applicant proposes to initiate service in Pennsylvania as a broker of person's transportation. Applicant also has pending authority for paratransit service.

Applicant currently operates pursuant to a grant of emergency temporary authority for paratransit and passenger broker service adopted at Public Meeting on June 18, 1987. Corresponding applications for permanent and temporary authority were filed concurrently. As we have sufficient information to proceed with the permanent application, the temporary authority application will be dismissed with adoption of the instant order.

The history of the case reveals that in January, 1986, the County of Bucks formally terminated the Bucks County Office of Public Transportation Service as an official agency. That agency coordinated, made arrangements, and provided transportation to the public in connection with Section 203 Transportation and/or Medical Assistance Transportation. Since January, 1986, applicant, a separate non-profit corporation, has been providing the same service as the county provided utilizing essentially the same personnel. In its capacity as an agent, applicant, in the past, has provided transportation services through the use of its own vehicles, and by coordinating with certificated carriers in Bucks County. The new regulations handed down by the Pennsylvania Department of Transportation regarding Section 203 Transportation requires that coordinators who are other than municipal corporations shall procure proper authority to act as a broker from the P.U.C., in order to contract services with authorized P.U.C. carriers. In addition, the Commission has brought a complaint proceeding against applicant challenging its right to operate as a carrier of persons without holding operating authority from the Commission. Applicant alleges that all previous transportation services, whether as a broker or carrier, have been provided in good faith.

The statement of financial condition of the applicant reveals total assets of \$414,308, total liabilities of \$262,668 and a corporation surplus of \$151,640.

The Public Utility Code at 66 Pa. C.S. §2505 and the Commission regulations at 52 Pa. Code §39.15 require that all licensed transportation brokers furnish the Commission with a bond or other security approved by the Commission in an amount not less than \$10,000. The purpose of this requirement is to insure the financial responsibility of the broker to the public.

The applicant stands fit, willing and able to properly provide service as a broker of person's transportation and approval of the application is consistent with the public interest and policy declared in 66 Pa. C.S. §2501 to grant a license; THEREFORE,

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

To operate as a broker, for the transportation of persons between points in the county of Bucks.

IT IS FURTHER ORDERED: That with the adoption of this order, the temporary authority application is hereby dismissed.

IT IS FURTHER ORDERED: That the grant of a license herein, to the extent that it duplicates the right now held by or subsequently conferred to the broker, shall not be construed as conferring more than one operating right.

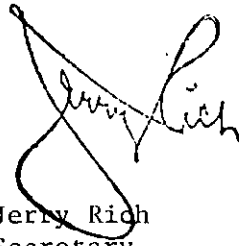
IT IS FURTHER ORDERED: That the brokerage license holder shall comply with all the provisions of the Public Utility Code and the rules and regulations of the Commission. Failure to comply shall be sufficient cause to suspend, revoke or rescind the right and privilege conferred by the license.

IT IS FURTHER ORDERED: That issuance of the license be withheld pending the filing of a bond or other security in an amount not less than \$10,000.

IT IS FURTHER ORDERED: That upon compliance with the above-stated provisions, a brokerage license issue evidencing the Commission's approval 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.

BY THE COMMISSION,

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

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 17, 1987

ORDER ENTERED: SEP 25 1987

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery.

3. Article Addressed to:

A 107294
James Campbell, Jr

4. Article Number **44366**

Type of Service:

- Registered Insured
 Certified COD
 Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee

X *[Signature]*

6. Signature - Agent

X

7. Date of Delivery **SEP 29 1987**

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

SENDER: Complete items 1 and 2 when additional services are desired, and complete items 3 and 4.

Put your address in the "RETURN TO" space on the reverse side. Failure to do this will prevent this card from being returned to you. The return receipt fee will provide you the name of the person delivered to and the date of delivery. For additional fees the following services are available. Consult postmaster for fees and check box(es) for additional service(s) requested.

1. Show to whom delivered, date, and addressee's address. 2. Restricted Delivery.

3. Article Addressed to:

A 107294
Michael A Tier, Esq.

4. Article Number **44367**

Type of Service:

- Registered Insured
 Certified COD
 Express Mail

Always obtain signature of addressee or agent and **DATE DELIVERED.**

5. Signature - Addressee

X

6. Signature - Agent

X *[Signature]*

7. Date of Delivery

9/28/87

8. Addressee's Address (ONLY if requested and fee paid)

PS Form 3811, Feb. 1986

DOMESTIC RETURN RECEIPT

*Brokerage
Lic*

0001
BUCKS COUNTY TRANSPORT, INC.
70 WEST OAKLAND AVENUE
DOYLESTOWN PA 18901
SELF

0002
JAMES D. CAMPBELL, JR., ESQ. ✓
130 STATE STREET
P. O. BOX 1000
HARRISBURG PA 17108
APPLICANT

0003
MICHAEL A TIER ESQ ✓
SUITE 1300
1401 ARCH STREET
PHILADELPHIA PA 19102
CAROL LINES INC PROTESTANT

0004
MICHAEL A TIER ESQ ✓
SUITE 1300
1401 ARCH STREET
PHILADELPHIA PA 19102
TRACEY TOURS PROTESTANT