



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
P.O. BOX 3265, HARRISBURG, PA 17105-3265

April 9, 2015

**Via E-Filing**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

Re: Pennsylvania Public Utility Commission, Bureau of Investigation and  
Enforcement v. QRST2, LLC t/a Quick Response Medical Transport  
Docket No. C-2015-2468908  
**I&E Reply to New Matter**

Dear Secretary Chiavetta:

Enclosed for electronic filing is the Bureau of Investigation and Enforcement's Reply to the New Matter of QRST2, LLC t/a Quick Response Medical Transport in the above-referenced proceeding. Copies have been served on the parties of record in accordance with the Certificate of Service.

Should you have any questions, please do not hesitate to contact me.

Sincerely,

Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

Enclosure

cc: As per Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement,	:	
Complainant	:	
	:	
v.	:	C-2015-2468908
	:	
QRST2, LLC	:	
t/a Quick Response Medical Transport,	:	
Respondent	:	

**REPLY TO NEW MATTER**

NOW COMES, the Bureau of Investigation and Enforcement (I&E) of the Pennsylvania Public Utility Commission (Commission), Complainant in the above-docketed matter, by and through its prosecuting attorneys, and replies to the New Matter of QRST2, LLC t/a Quick Response Medical Transport (QRST2 or Respondent), pursuant to 52 Pa. Code § 5.63(a). In support thereof, I&E avers as follows:

**I. BACKGROUND**

QRST2 was granted Commission approval to operate as a motor carrier of passengers in paratransit authority on or about April 24, 2013 at A-2012-2305674. On February 9, 2015, Respondent's insurance lapsed and Respondent failed to file evidence of liability insurance with the Commission. Accordingly, on February 25, 2015, I&E filed a Complaint against QRST2 at Docket No. C-2015-2468908, alleging that QRST2 violated 52 Pa. Code §§ 32.2(c) and 32.11(a) and 66 Pa.C.S. § 512 by failing to maintain evidence of liability insurance on file with the Commission. QRST2's

certificate of public convenience was suspended. Regarding relief, I&E requests that Respondent pay a civil penalty of \$500 and that Respondent cause its insurer to file evidence of liability insurance with the Commission. On March 23, 2015, QRST2 filed its Answer with New Matter at the above docket.

## **II. REPLY TO NEW MATTER**

6. Denied. I&E is without knowledge sufficient to form a belief as to the truth of the matters asserted and proof thereof is demanded. To the extent a response is required, these allegations are denied. By way of further response, Respondent's assertion that it has not operated under its certificate since it allowed its insurance to lapse is irrelevant to the violations alleged in I&E's Complaint. In its Complaint, I&E alleged that QRST2 violated the Commission's regulations at 52 Pa. Code §§ 32.2(c) and 32.11(a) and the Public Utility Code at 66 Pa.C.S. § 512 by failing to maintain evidence of liability insurance on file with the Commission. QRST2 even admitted that it "failed to maintain evidence of liability insurance on file with the Commission" in its Answer at Paragraph 4 and that "it allowed its insurance to lapse" in its New Matter at Paragraph 6. Because Respondent failed to maintain evidence of liability insurance on file with the Commission, Respondent's certificate of public convenience was placed under suspension pursuant to 52 Pa. Code § 32.2(h) and Respondent is strictly prohibited from operating as a motor carrier of passengers.

7. Denied. I&E is without knowledge sufficient to form a belief as to the truth of the matters asserted and proof thereof is demanded. To the extent a response is required, these allegations are denied. By way of further response, QRST2's assertion

that it does not intend to operate under its certificate until and unless it files evidence of insurance with the Commission is irrelevant to the violations alleged in I&E's Complaint. As stated above, I&E alleged in its Complaint that QRST2 violated the Commission's regulations at 52 Pa. Code §§ 32.2(c) and 32.11(a) and the Public Utility Code at 66 Pa.C.S. § 512 by failing to maintain evidence of liability insurance on file with the Commission. QRST2 even admitted that it "failed to maintain evidence of liability insurance on file with the Commission" in its Answer at Paragraph 4 and that "it allowed its insurance to lapse" in its New Matter at Paragraph 6. Because Respondent failed to maintain evidence of liability insurance on file with the Commission, Respondent's certificate of public convenience was placed under suspension pursuant to 52 Pa. Code § 32.2(h) and Respondent is strictly prohibited from operating as a motor carrier of passengers.

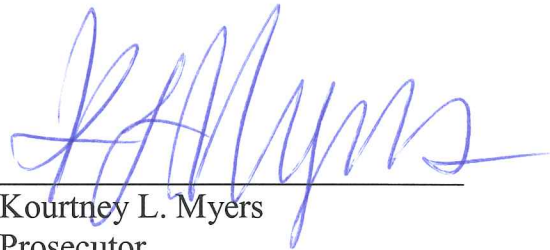
8. Denied. I&E is without knowledge sufficient to form a belief as to the truth of the matters asserted and proof thereof is demanded. To the extent a response is required, these allegations are denied. By way of further response, as a certificated motor carrier of passengers, QRST2 is responsible for having knowledge of and abiding by the Commission's regulations and the Public Utility Code. Respondent's ignorance as to the Commission's regulations and the Public Utility Code does not relieve Respondent of its obligations as a certificated motor carrier. Section 32.2(c) of the Commission's regulations pertaining to motor carrier insurance specifically provides that "[a]n original of each certificate of insurance . . . shall be *filed* with the Commission." 52 Pa. Code § 32.2(c). QRST2 did not file evidence of insurance with the Commission and even

admitted to the same by asserting in its Answer at Paragraph 4 that it “failed to maintain evidence of liability insurance on file with the Commission” and in its New Matter at Paragraph 6 that “it allowed its insurance to lapse.” By failing to file an original certificate of insurance with the Commission, QRST2 violated 52 Pa. Code § 32.2(c). Furthermore, Section 32.11(a) of the Commission’s regulations, mandates that “a certificate or permit will not be issued, or *remain in force* . . . until there has been filed with and approved by the Commission a certificate of insurance by an insurer authorized to do business in this Commonwealth.” 52 Pa. Code § 32.11(a). Therefore, pursuant to the Commission’s regulations, Respondent was put on notice and should have been aware of its responsibility to maintain evidence of insurance on file with the Commission.

9. Denied. I&E is without knowledge sufficient to form a belief as to the truth of the matters asserted and proof thereof is demanded. To the extent a response is required, these allegations are denied. By way of further response, I&E alleged in its Complaint that QRST2 violated the Commission’s regulations at 52 Pa. Code §§ 32.2(c) and 32.11(a) and the Public Utility Code at 66 Pa.C.S. § 512 by failing to maintain evidence of liability insurance on file with the Commission. QRST2 even admitted that it “failed to maintain evidence of liability insurance on file with the Commission” in its Answer at Paragraph 4 and that “it allowed its insurance to lapse” in its New Matter at Paragraph 6. Therefore, Respondent’s intent or lack of intent in violating the Commission’s regulations and the Public Utility Code is immaterial.

**WHEREFORE**, for all the foregoing reasons, the Bureau of Investigation and Enforcement of the Pennsylvania Public Utility Commission respectfully requests that the Office of Administrative Law Judge and the Commission sustain I&E's Complaint, dismiss Respondent's Answer and New Matter, and direct Respondent to pay I&E's requested civil penalty and cause its insurer to file evidence of liability insurance with the Commission.

Respectfully submitted,



Kourtney L. Myers  
Prosecutor

PA Attorney ID No. 316494

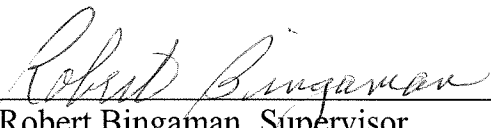
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Dated: April 9, 2015

## VERIFICATION

I, Robert Bingaman, Supervisor, Bureau of Technical Utility Services, Motor Carrier Compliance, hereby state that the facts above set forth are true and correct to the best of my knowledge, information, and belief and that I expect the Bureau will be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

Date: April 9, 2015

  
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Robert Bingaman, Supervisor  
Motor Carrier Compliance  
Bureau of Technical Utility Services  
PA. Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

## CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a party).

Service by First Class Mail:

Robert H. Holber, Esquire  
Law Office of Robert H. Holber, P.C.  
41 East Front Street  
Media, PA 19063



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Kourtney L. Myers  
Prosecutor  
PA Attorney ID No. 316494

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Dated: April 9, 2015