

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY
COMMISSION**

Application of Granny's Helping Hands Pa, Inc. T/a Let's Go Transportation, LLC for a Certificate of Public Convenience for the right to transport persons, upon call or demand service, between points in Pennsylvania

Docket No. A-2015-2469125

**PROTEST OF
Rosemont TaxiCab Company Inc**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Rosemont Taxicab Company. ("Rosemont"), pursuant to the provisions of 52 Pa. Code §3.381, hereby files this protest to the application of Granny's Helping Hands Pa, Inc. T/a Let's Go Transportation, LLC ("Granny's" or "Applicant") for approval of authority to provide call or demand service between points in Pennsylvania. Rosemont Taxicab respectfully requests that this Commission deny the instant application. In support of this protest and request, Rosemont states as follows:

Rosemont's Standing and Territory

1. The name and business address of Rosemont Taxicab are:

Rosemont Taxicab Company Inc
800 Chestnut St
Philadelphia, PA 19107 Suite 103
856-795-5500

2. Rosemont Taxicab Company Inc. is a certificated carrier authorized to provide, *inter alia*, call or demand service in portions of the City of Philadelphia, and portions of Montgomery County and Delaware County to points in the said area and vice versa. Pursuant to an Order of the Commission entered November 6, 2008 at Commission Docket Number A-2008-2053668 (A-6310311) , Rosemont is authorized:

To transport, as a common carrier, by motor vehicle, persons upon call or demand service

- in the township of Radnor, Delaware County, and the township of Lower Merion, Montgomery County; Stands: 715 Moore Avenue, Bryn Mawr, Philadelphia Suburban Transportation Company (formerly Philadelphia and Western Railway) Station, Bryn Mawr, Bryn Mawr Station of the Penn Central Transportation Company, Bryn Mawr, and the Treadway Inn, St. Davids;
- in the township of Newtown, Delaware County and the township of Upper Merion, Montgomery County;
- in the townships of Newtown and Marple, Delaware County;
- in the Village of Villanova, Delaware County, stand at the Pennsylvania Railroad Station, in the Village of Rosemont, Montgomery County; and
- in Lower Merion Township, Montgomery County, and Radnor Township, Delaware County; Stand at the Villanova Station of the Philadelphia and Western Railway Company.
-

A copy of the Commission's Order is appended hereto and made a part hereof as Exhibit "A".

The service territory sought by Applicant overlaps that of Rosemont Taxicab. Rosemont possesses the requisite legal standing to protest this application. This Commission has recognized that the controlling principle relating to standing in this type of proceeding is whether a protestant has some operating authority in actual or potential conflict with the

authority sought by an applicant. *Application of Premium Taxi, LLC*, A-0012 1698 (August 25, 2006); *Application of Unique Limousine Service, Inc.*, A-0104709, F.2, Am-A (March 7,

Granny's Helping Hands Pa, Inc. T/a Let's Go Transportation, LLC Application

3. On or about February 2,, 2015, Applicant filed an application with the Commission seeking a Certificate of Public Convenience to permit it to provide service in areas presently served by Rosemont Taxicab Company inc. at Commission Docket Number A-2008-2053668 (A-6310311)

4. Notice of the filing for authority was published in the Pennsylvania Bulletin, Vol. 45, No. 14, April 4, 2015 at page 1705. According to the Notice, protests to this application are due on or before April 20, 2015. This protest is filed in response to that Notice.

5. The territory Applicant seeks is for the right to transport by Motor Vehicle, persons, upon call or demand in the Counties of Delaware, Montgomery, Chester and Bucks. which necessarily implicates Rosemonts's assigned territory.

Applicant has Failed to Attach the Requisite Support for the Exceptional Request

7. Applicant has not attached financial information to its application. Applicant has not attached a balance sheet, projected revenue and expense statement, or any other financial information to its application that is indicative of its financial fitness to provide the proposed service. It is unclear whether the Applicant is fit to render the proposed service. Accordingly, Rosemont believes and therefore avers that Applicant does not possess the requisite financial fitness to provide service in the proposed areas.

6. Applicant has attached no information to the application relative to its technical fitness other than being a carrier with rights in areas outside the proposed service. Applicant has attached no information no information to its application that would indicate how Applicant intends to operate. Accordingly, Rosemont believes and therefore avers that Applicant does not possess the requisite technical fitness to provide call or demand service in the proposed areas.

7. Applicant has provided no studies to justify the need for additional transportation vehicles in Rosemont's territory.

8. Approval of this application will not serve a useful public purpose or need, but will merely duplicate existing service to the detriment of other carriers and the traveling public.

9. Applicant has not attached any statements in support of the application from individuals or entities that purport to be willing to utilize the proposed service if its application is granted.

10. No need for additional transportation exists. Rosemont has not discontinued any service or failed to provide service within its operating authority. Rosemont has not refused any request for service. Rosemont is able and willing to provide equipment necessary to meet transportation needs. Rosemont is ready, willing and able to provide service to the public.

11. The facilities and equipment of Rosemont Cab and other carriers in the proposed service territory are ample to meet all of the requirements of the public affected by this application. The granting of the application will have a detrimental effect upon Rosemont's existing service to the public. There is no need for the proposed service.

12. The approval of the application would be prejudicial to Rosemont and the traveling public since it would authorize additional unnecessary and harmful competition into the area with the resulting loss of revenues to Rosemont to the detriment of the traveling public.

13. Absent on the record presentations, Protestant does not believe there is a need for the proposed service as described in the application or lack of. In addition, there is no evidence that Applicant can meet the criteria in 52 Pa. Code § 41.14 and, thus, approval of the Application would be contrary to the public interest

14. The entry of Applicant into the field as envisioned by this application would endanger or impair the operations of existing carriers including Rosemont Taxicab to such an extent that the granting of the authority requested would be contrary to the public interest

The Possibility of Cure by Restrictive Amendment

15. Although Rosemont TaxiCab is unaware of any restrictive amendment that would enable it to withdraw its protest, Rosemont is willing to discuss, and is agreeable to, any reasonable restriction which would not be contrary to the public interest.

Request for Identification of Witnesses

Rosemont TaxiCab hereby requests that Applicant furnish it with a list of witnesses that are prepared to testify on Applicant's behalf. Pursuant to Section 333(c) of the Public Utility Code, demand is made upon Applicant to furnish to Rosemont a list of the names and addresses of the witnesses, names and addresses of the group and party that they represent and the subject matter of their expected testimony. This is a continuing request and is applicable to all witnesses to be called.

WHEREFORE, Protestant, Rosemont Taxicab company respectfully requests that the Commission deny the application of Granny's Helping Hands Pa, Inc. T/a Let's Go Transportation, LLC

Respectfully Submitted,

Jacob Gabbay

Jacob Gabbay

Dated: April 20, 2015

CERTIFICATE OF SERVICE

I hereby certify that I have served a true and correct copy of the foregoing documents by United States mail, postage prepaid upon:

Rosemary Chiavetta,
Secretary Pennsylvania
Public Utility
Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(Certificate of Service, e-filing)

Let's Go Transportation, LLC

Granny's Helping Hands Pa, Inc. T/a

P.O. box 725
Lansdowne, Pa 19050

(Applicant)
(By Certified Mail, Return Receipt Requested)

BY: *Jacob Gabbay*
Jacob Gabbay
Rosemont Taxicab
102 Browning
Lane, BLDG B
Cherry Hill Nj,
08003

DATE: 4/24/2015

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265**

Public Meeting held November 6, 2008

Commissioners Present:

**James H. Cawley, Chairman
Tyrone J. Christy, Vice Chairman
Robert F. Powelson
Kim Pizzingrilli
Wayne E. Gardner**

Application of Rosemont Taxicab Co., Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, by motor vehicle, persons, in call or demand service, which is to be a transfer of all rights authorized under the certificate issued at A-00115589, F.3, to Concord Coach USA, Inc., t/a Bennett Cab Service, subject to the same limitations and conditions.

A-6310311
A-2008-2053668

Applicant, pro se.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed May 15, 2008. Public notice of the application was initially given in the *Pennsylvania Bulletin* of August 23, 2008, with protests due by September 8, 2008. No protests were filed. The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of the application, the applicant's verified statements, and an agreement of sale between Rosemont Taxicab Co., Inc., and Concord Coach USA, Inc., t/a Bennett Cab Service (transferor).

DISCUSSION AND FINDINGS

Rosemont Taxicab Co., Inc. (applicant or Rosemont) operates from a facility located at 829 Connestoga Rd, Bryn Mawr, Montgomery County. The company is owned by the company president Avihay Karsenty (50% shareholder) and his wife, and company secretary, Rachel Gabbay Karsenty (50% shareholder). Each shareholder has extensive service in the call or demand industry. Mr. Karsenty is presently employed as the manager of Concord Coach USA, Inc., t/a Bennett Cab Service (hereinafter Bennett Cab Service) where he oversees daily operations of the company and has been assisting in the management of Germantown Cab Co. Mrs. Karsenty is presently employed as the claims and risk manager for Germantown Cab Co. and has been involved with the operation of said company since her childhood. Neither Mr. Karsenty, nor Mrs. Karsenty, is currently a shareholder or officer with the other affiliated call or demand operations.

The current lease of Bennett Cab Service shall be continued after the transfer of ownership. The facility will hold the company administrative offices and is equipped with a computer system, printer/copier, and a fax machine. To facilitate communication with customers the office is equipped with two telephone lines and dispatching of vehicles will be accomplished via two-way radio. The facility has sufficient off street parking to accommodate 20 vehicles. Transportation will be dispatched 24 hours a day, seven days a week; however, the administrative office will only be open from 8:00 a.m. to 6:00 p.m. Monday through Saturday, and from noon to 5:00 p.m. on Sundays.

The applicant will employ eight office/administrative employees and approximately 20 drivers. Administrative/office employees will be responsible for the daily operations of the company and the dispatching of vehicles for transportation. Drivers will be required to be a minimum of 24 years of age with three years of driving experience, no more than two moving violations, no more than one chargeable accident, no driving under the influence violations, and no careless driving violations within the previous three years. Each driver will also be required to take mandatory driver education training and receive approval from the applicant's insurance carrier. All drivers will be subject to random license checks and annual insurance company carrier approval. The applicant has a zero tolerance policy for drug or alcohol use and will not allow drivers to operate in a discourteous or slovenly manner.

The applicant currently owns 15 vehicles (none older than a 2003 model year) to provide service and intends to expand its number of drivers and vehicles as business growth dictates. Routine vehicle maintenance will be scheduled every 3,000 miles and will receive monthly inspections upon renewal of the drivers' leases. Any major maintenance or required inspections will be conducted by Belfield Motors in Philadelphia. Belfield Motors is a fully licensed facility with 14 bays, six vehicle lifts, a garage, and a vehicle detailing area.

The applicant is aware of this Commission's insurance requirements and maintains sufficient financial resources to obtain the requisite coverage for its operations.

Neither the applicant nor the transferor has any negative compliance history, or outstanding fines or assessments, which would prevent the transfer of authority.

Applicant's most recent balance sheet, dated June 30, 2008, shows cash assets of \$65,000, total assets of \$223,600, total liabilities of \$222,422, and total owners' equity of \$1,178. The applicant anticipates \$561,600 revenue, against expenses of \$384,500, and a net profit of \$177,100. In its expense calculation, the applicant has anticipated an insurance expense of \$59,000.

A review of the record before us indicates that the applicant possesses the technical expertise, experience, facilities, sufficient capital and other resources necessary 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 need, which may be overcome only by evidence to the contrary. In re: Byerly, 270 A.2d 186 (Pa. 1970); Hostetter v. Pa. P.U.C., 49 A.2d 862 (Pa. Super 1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding. Transferor has no outstanding fines or assessments, which would prevent the transfer of its authority.

Act 94 of 2004 transferred regulatory oversight of Philadelphia medallion taxicabs and various other types of passenger carriers serving Philadelphia from this Commission to the Philadelphia Parking Authority. Act 94 was effective on April 10, 2005. The applicant has applied for authority, part of which now falls under the jurisdiction of the Philadelphia Parking Authority. The Commission does not have jurisdiction to approve that part of the applicant's requested authority that includes service now regulated by the Philadelphia Parking Authority. Therefore, only the service regulated by the Commission is approved, and the portion of the transferred authority, which allows for operations that would fall under the Philadelphia Parking Authority's purview, is removed.

The applicant is hereby advised of its obligation to familiarize itself with the requirements of 52 Pa. Code as applicable to the operation of a common carrier as authorized by this Order. Applicant is further advised that failure to comply with all applicable requirements may subject the carrier to penalties, including fines, suspension of operating rights or cancellation of its authority. Title 52 of the Pa. Code is available online at www.pacode.com.

After complete review of the record, we find:

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

2. 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 approved and that a certificate be issued granting the following right:

To transport, as a common carrier, by motor vehicle, persons upon call or demand service

1. in the township of Radnor, Delaware County, and the township of Lower Merion, Montgomery County; Stands: 715 Moore Avenue, Bryn Mawr, Philadelphia Suburban Transportation Company (formerly Philadelphia and Western Railway) Station, Bryn Mawr, Bryn Mawr Station of the Penn Central Transportation Company, Bryn Mawr, and the Treadway Inn, St. Davids;
2. in the township of Newtown, Delaware County and the township of Upper Merion, Montgomery County;
3. in the townships of Newtown and Marple, Delaware County;
4. in the Village of Villanova, Delaware County, stand at the Pennsylvania Railroad Station, in the Village of Rosemont, Montgomery County; and
5. in Lower Merion Township, Montgomery County, and Radnor Township, Delaware County; Stand at the Villanova Station of the Philadelphia and Western Railway Company.

Subject to the following condition:

excluding areas under the jurisdiction of the Philadelphia Parking Authority.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation authorized by this order until the applicant has received a certificate of public convenience from the Commission.

IT IS FURTHER ORDERED: That a certificate of public convenience shall not be issued until the following are submitted to the Commission and approved by the Commission:

1. Form E, as evidence of bodily injury and property damage liability insurance.
2. A tariff establishing just and reasonable rates.

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 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 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 to Concord Coach USA, Inc., t/a Bennett Cab Service, at A-00115589, F.3, be canceled and the record marked closed.

BY THE COMMISSION,

James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: November 6, 2008

ORDER ENTERED: November 10, 2008