

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: : A-2015-2465681  
:   
Application of Century Medical Response, Inc. :   
: **FILED ELECTRONICALLY**

**MTR'S MOTION TO COMPEL**

AND NOW, this 30<sup>th</sup> day of July, 2015, pursuant to Sections 5.103 and 5.349(d) of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code §§5.103, 5.349(d), MTR Transportation, Inc., t/d/b/a K-Cab Co. (MTR), Protestant, by its attorneys files the following Motion to Compel:

1. On July 2, 2015, MTR served on Applicant by United States mail, first class, postage prepaid, its First Set of Interrogatories Addressed to Applicant and its Request for Production of Documents Addressed to Applicant. A certificate of such service was filed with the Commission electronically on July 2, 2015. True and correct copies of the Interrogatories and the Request for Production of Documents are attached hereto as Exhibit "A" and made a part hereof.

2. The deadline for Applicant to serve and to file its objections, if any, to this discovery was July 15, 2015. 52 Pa. Code §§1.56(b), 5.342(e), 5.349(d). Applicant did not file or serve objections to the discovery.

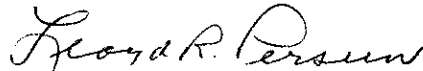
3. The deadline for Applicant to answer the interrogatories and to produce the documents was July 27, 2015. 52 Pa. Code §§1.56(b), 5.342(d), 5.349(d). Applicant failed to do so. It did not request any extension of time.

4. Applicant's answers and responses to the discovery are overdue.

5. Under the circumstances, MTR requests that the Administrative Law Judge enter an Order compelling Applicant to provide full and complete answers to MTR's Interrogatories and to produce the documents sought in its Request for Production of Documents within twenty (20) days after the date when such Order is entered and, if Applicant fails to do so, dismissing its Application with prejudice. 52 Pa. Code §§5.372(a)(4).

WHEREFORE, MTR respectfully requests that the Administrative Law Judge enter an Order (i) directing that Applicant provide full and complete answers to MTR's Interrogatories and produce the documents sought in its Request for Production of Documents within twenty (20) days after the date when such Order is entered and (ii) directing that, if Applicant fails to do so, its Application be dismissed with prejudice.

Respectfully submitted,



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Lloyd R. Persun, Esquire

Persun & Hamlin, P.C.

P.O. Box 659

Mechanicsburg, PA 17055-0659

(717) 620-2440

Attorneys for MTR Transportation, Inc., t/d/b/a  
K-Cab Co., Protestant

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

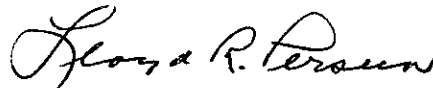
In Re: : A-2015-2465681  
: :  
Application of Century Medical Response, :  
Inc. : :

**PROTESTANT'S FIRST SET OF INTERROGATORIES**  
**ADDRESSED TO APPLICANT**

MTR Transportation, Inc., t/d/b/a K-Cab Co., Protestant, by its attorneys, hereby submits and addresses the following Interrogatories to Applicant, Century Medical Response, Inc., pursuant to Sections 5.324, 5.332, 5.341 and 5.342 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code §§5.324, 5.332, 5.341, 5.342 and Section 333 of the Public Utility Code, 66 Pa. Code §333. These Interrogatories are to be answered separately and fully in writing, under oath, within twenty (20) days after service hereof. 52 Pa. Code §5.342(d).

These Interrogatories are continuing. Any information secured or discovered by you after your Answers are served shall be furnished to Protestant by your supplemental answer(s) under oath.

The term "Applicant" means Century Medical Response, Inc. and all other person(s) acting or purporting to act on its behalf. The terms "you" and "your" mean Applicant and Applicant's, respectively.



Lloyd R. Persun, Esquire

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(717) 620-2440

Attorneys for MTR Transportation, Inc., t/d/b/a  
K-Cab Co., Protestant

July 2, 2014

## INTERROGATORIES

1. Please provide the name, residence address, business address, residence telephone number and business telephone number of each person whom you expect to call as a witness to testify on your behalf at hearing in this case.

2. For each witness whom you identified in your answer to Interrogatory No. 1, and whom you will not call as an expert witness, please state:

(a) the name, address and telephone number of the organization, if any, on whose behalf the witness is expected to testify and the capacity in which he or she will testify;

(b) whether the witness is expected to testify about public demand or need for your proposed service in any part of the Luzerne County, Pennsylvania and, if so, the identity of each part thereof, specifying:

- (i) the point(s) of origin;
- (ii) the point(s) of destination;
- (iii) the frequency of the trips from each such point;
- (iv) the frequency of the trips to each such point;
- (v) the witness' use, if any, of Protestant's existing service; and

(c) the subject matter of the witness' expected testimony, if not stated in your Answer to Interrogatory No. 2(b).

3. For each witness whom you identified in your answer to Interrogatory No. 1 and whom you will call as an expert witness, state:

(a) the subject matter on which such witness is expected to testify; and

(b) the substance of the facts and opinions to which the witness is expected to testify and the summary of the grounds for each such opinion.



4. Please identify all documents which you or your witnesses will sponsor as exhibits at hearing.

5. Have you ever received a citation or a complaint (either formal or informal) from or before the Pennsylvania Public Utility Commission (Commission) for any violation of the Public Utility Code or the Commission's Rules or Regulations?

6. If your answer to Interrogatory No. 5 is yes, please state the facts or allegations upon which each such citation or complaint (formal or informal) was based and its final disposition.

7. Have you ever received a citation or a complaint (either formal or informal) from or before any public utility commission or public service commission (other than the Commission) for any violation of any statute which it administers or its Rules or Regulations?

8. If your answer to Interrogatory No. 7 is yes, please identify each such public utility commission or the public service commission and state the facts or allegations upon which each such citation or complaint (formal or informal) was based and its final disposition.

**CERTIFICATE OF SERVICE**

I hereby certify that on the date hereof a true and correct copy of the foregoing document has been served upon the following person, in the manner indicated, in accordance with the requirements of 52 Pa. Code §§1.54 and 1.59:

**VIA EMAIL**

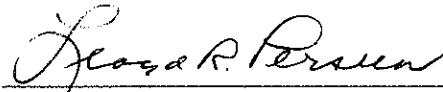
Christina M. Mellott, Esquire  
Page, Wolfberg & Wirth LLC  
5010 East Trindle Road, Suite 202  
Mechanicsburg, PA 17050  
*CMellott@pwwemslaw.com*

**VIA EMAIL**

Devin T. Ryan, Esquire  
Post & Schell  
17 North Second Street, 12<sup>th</sup> Floor  
Harrisburg, PA 17101-1601  
*dryan@postschell.com*

**VIA FIRST CLASS MAIL**

Century Medical Response, Inc.  
P.O. Box 773  
Wilkes-Barre, PA 18703



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Lloyd R. Persun, Esquire  
Attorney for MTR Transportation, Inc., t/d/b/a  
K-Cab Co., Protestant

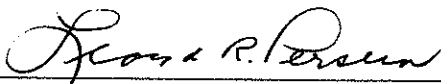
Dated this 2<sup>nd</sup> day of July, 2015

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: : A-2015-2465681  
:  
Application of Century Medical Response, :  
Inc. :

**PROTESTANT'S REQUEST FOR PRODUCTION OF  
DOCUMENTS ADDRESSED TO APPLICANT**

Pursuant to Section 5.349 of the Commission's Rules of Administrative Practice and Procedure, 52 Pa. Code §5.349, MTR Transportation, Inc., t/d/b/a K-Cab Co., Protestant, by its attorneys, hereby requests that Century Medical Response, Inc., Applicant, produce at the offices of Protestant's attorneys within twenty (20) days after service hereof true and correct copies of all documents which were identified in the Answers of Applicant to Protestant's First Set of Interrogatories addressed to Applicant.



Lloyd R. Persun, Esquire  
Persun & Hamlin, P.C.

P.O. Box 659

Mechanicsburg, PA 17055-0659

(717) 620-2440

Attorneys for MTR Transportation, Inc., t/d/b/a  
K-Cab Co., Protestant

July 2, 2015

**CERTIFICATE OF SERVICE**

I hereby certify that on the date hereof a true and correct copy of the foregoing document has been served upon the following person, in the manner indicated, in accordance with the requirements of 52 Pa. Code §§1.54 and 1.59:

**VIA EMAIL**

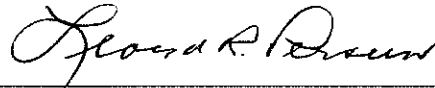
Christina M. Mellott, Esquire  
Page, Wolfberg & Wirth LLC  
5010 East Trindle Road, Suite 202  
Mechanicsburg, PA 17050  
*CMellott@pwwemslaw.com*

**VIA EMAIL**

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17 North Second Street, 12<sup>th</sup> Floor  
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*dryan@postschell.com*

**VIA FIRST CLASS MAIL**

Century Medical Response, Inc.  
P.O. Box 773  
Wilkes-Barre, PA 18703



---

Lloyd R. Persun, Esquire  
Attorney for MTR Transportation, Inc., t/d/b/a  
K-Cab Co., Protestant

Dated this 2<sup>nd</sup> day of July, 2015



**CERTIFICATE OF SERVICE**

Pursuant to Section 5.341(b) of the Commission's Rules of Practice, 52 Pa. Code §5.341(b), I hereby certify that a true and correct copy of the foregoing Motion to Compel was served today upon the following persons, in the manner indicated, in accordance with the requirements of 52 Pa. Code §§1.54 and 1.59:

**VIA EMAIL**

Christina M. Mellott, Esquire  
Page, Wolfberg & Wirth LLC  
5010 East Trindle Road, Suite 202  
Mechanicsburg, PA 17050  
*CMellott@pwwemslaw.com*

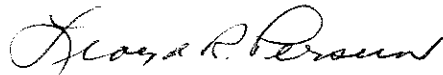
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Devin T. Ryan, Esquire  
Post & Schell  
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Harrisburg, PA 17101-1601  
*dryan@postschell.com*

**VIA FIRST CLASS MAIL**

Century Medical Response, Inc.  
P.O. Box 773  
Wilkes-Barre, PA 18703

Charles E. Rainey, Jr., Chief ALJ  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265



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Lloyd R. Persun, Esquire  
Attorney for MTR Transportation, Inc., t/d/b/a  
K-Cab Co., Protestant

Dated this 30<sup>th</sup> day of July, 2015