

# PAGE, WOLFBERG & WIRTH LLC

ATTORNEYS & CONSULTANTS

## PARTNERS

JAMES O. PAGE (1936-2004)  
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○ MEMBERS, PENNSYLVANIA BAR  
Δ MEMBER, NEW YORK BAR  
□ MEMBER, CALIFORNIA BAR

CHRISTINA M. MELLOTT  
cmellott@pwwemslaw.com

July 31, 2015

*VIA ELECTRONIC FILING*

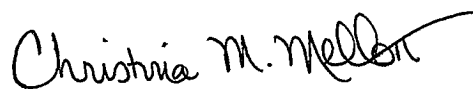
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

**Re: Application of Century Medical Response, Inc.,**  
**PUC Docket No. A-2015-2465681**

Dear Secretary Chiavetta:

We enclose for electronic filing with the Commission *Trans-Med's Motion to Compel* in the above-captioned matter. Trans-Med's Motion to Compel is being filed on behalf of the Protestant, Trans-Med Ambulance, Inc. Since this case has not yet been assigned to an Administrative Law Judge, a copy of this filing is being served on Charles E. Rainey, Jr., the Chief Administrative Law Judge.

Very truly yours,



Christina M. Mellott  
for PAGE, WOLFBERG & WIRTH, LLC

CMM:ms  
Enclosures

cc: Century Medical Response, Inc.  
Charles E. Rainey, Jr., Chief ALJ, PA PUC  
Lloyd R. Persun, Esq., Counsel for Protestant, MTR Transportation, Inc.

July 31, 2015  
Page 2

Devin T. Ryan, Esq., Counsel for Scranton Quincy Ambulance, LLC  
Trans-Med Ambulance, Inc.



5. To date, Trans-Med has received neither Applicant's answers to the Interrogatories nor the documents requested in the Interrogatories.

6. The deadline for the Applicant to provide full and complete answers to the Interrogatories and produce the documents requested in the Interrogatories was July 20, 2015.

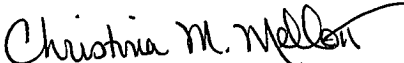
7. The Applicant's answers to the Interrogatories and production of the documents requested in the Interrogatories are 11 days overdue.

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

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

Respectfully submitted,

Dated: 7/31/2015

  
\_\_\_\_\_  
Christina M. Mellott, Esquire  
Attorney I.D. No. 81369  
PAGE, WOLFBERG & WIRTH, LLC

5010 East Trindle Road, Suite 202  
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Counsel for Protestant, Trans-Med Ambulance, Inc.

**PAGE, WOLFBERG & WIRTH LLC**  
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Δ MEMBER, NEW YORK BAR  
□ MEMBER, CALIFORNIA BAR

CHRISTINA M. MELLOTT  
cmellott@pwwemslaw.com

June 30, 2015

*VIA FIRST CLASS MAIL AND CERTIFIED MAIL NO. 7014 2870 0001 7617 7763*

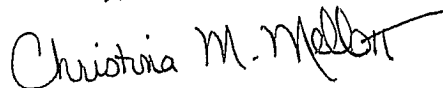
Century Medical Response, Inc.  
P.O. Box 773  
Wilkes-Barre, PA 18703

**Re: Application of Century Medical Response, Inc.;**  
**PUC Docket No. A-2015-2465681**

Dear Century Medical Response:

Enclosed please find an original and two copies of the First Set of Interrogatories and Request for Production of Documents to Applicant, in the above-captioned matter (hereinafter referred to as "Interrogatories"). These Interrogatories are being served upon you, Century Medical Response, Inc., and are submitted on behalf of the Protestant, Trans-Med Ambulance, Inc. Please provide me with verified and complete Answers to these Interrogatories, within twenty (20) days, as required by the regulations of the Pennsylvania Public Utility Commission. Because the Answers will need to be verified, I have included a Verification for you to sign when returning the Answers.

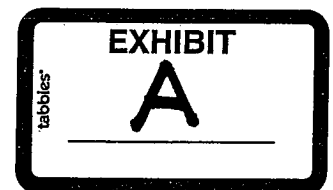
Sincerely,



Christina M. Mellott

CMM:ms  
Enclosures

cc: Devin T. Ryan, Esq. (via first class mail)  
Lloyd R. Persun, Esq. (via first class mail)  
Clients (via e-mail)





3. "Document" or "documents" means all written or printed matter of any kind, including the originals, copies, and all non-identical copies thereof, including copies with notations or marks not on the original or other recorded matter of any kind, however produced or reproduced, whether sent or received or neither, including without limitation, correspondence, memoranda, notes, statistics, letters, telegrams, minutes, contracts, reports, studies, checks, statements, invoices, worksheets, drafts, receipts, returns, summaries, pamphlets, books, prospectuses, agendas, agreements, summaries, inter-office and intra-office communications, offers, notations of any sort of conversations, diaries, appointment books or calendars, teletypes, telefax, thermafax, facsimile, confirmations, telephone calls, text messages, instant messages, electronic mail, meetings or other communications, bulletins, printed matter, computer printouts, computer files and data (including information of programs stored in a computer, whether or not ever printed out or displayed), and all drafts, alterations, modifications, changes and amendments of any of the foregoing, and all graphic or manual records or representations of any kind, including without limitation, photographs, microfiche, microfilm, videotape, records, motion pictures, and electronic, mechanical or electric records or representations of any kind, including without limitation, tapes, cassettes, discs, magnetic cards, and recordings.

4. The term "all documents" means every document as above defined known to you and every such document which can be located or discovered by reasonably diligent efforts.

5. "Oral communication" means any utterance, spoken or heard, whether in person, by telephone, or otherwise.

6. The phrase "within the scope of this Application" refers to the authority as sought in the application to the Commission as shown in the Pennsylvania Bulletin published in this proceeding.

7. The term "identify", "identity", or "identification", when used in reference to an individual person, means to state the person's full name, his or her present or last-known address and telephone number, his or her present or last-known position and business affiliation, and his or her position or affiliation with any party herein at any relevant time.

8. The term "identify", "identity", or "identification" when used in reference to a corporation, partnership, business entity, or any entity other than a natural person means to state its full name and address, the nature of the business, and, in the case of a corporation, the state of incorporation, the address of its principal place of business, the names and titles of its directors and principal officers.

9. The term "identify", "identity", or "identification" when used in reference to a document, means:

- i) State the date, author, recipient, and type of document (e.g., invoice, delivery receipt, etc.) or some other means of distinguishing the document;



- ii) Set forth or attach to the answer a true copy of the document;
- iii) Identify each person who prepared the document;
- iv) Identify every person who participated in the preparation of the document;
- v) State the present location of the document; and
- vi) Identify each person having custody or control of the document.

10. The term "identify", "identity", or "identification" when used in reference to an oral communication, means to:

- i) State the date, place or places, and parties to the oral communication or some other means of identifying the oral communication;
- ii) Set forth the nature and substance of the oral communication;
- iii) State the medium through which the oral communication was made (e.g., in person or by telephone);
- iv) Identify each person who participated in the oral communication;
- v) Identify each person bearing the oral communication;
- vi) State whether any written note or memorandum of the oral communication was made, and if so, identify the written note or memorandum in the manner required to identify a document by definition 9, above.

11. "Person" or "persons" or "entities" means any individual(s), as well as nonprofit corporations, unincorporated associations, business corporations, foreign corporations, limited liability corporations, limited liability partnerships, partnerships, fictitious names, or any other type of company, corporation, partnership, limited partnership, copartners, joint ventures, trust, estates, public agencies, departments, divisions, bureaus and boards.

12. "Affiliation" means wherein the Applicant or any owner or officer of Applicant owns any stock in another entity, holds an office in another entity, holds a position of management in another entity or has a financial interest in another entity.

13. A masculine, feminine or neutral pronoun shall refer to all other gender pronouns.

14. The singular shall include the plural and the plural shall include the singular.

15. "Aware" means to have knowledge of the existence and substance of a certain subject or subject matter.

16. "Refer to", "referring to", and "concerning" mean directly or indirectly, in whole or in part, referring to, relating to, connected with, commenting on, impinging or impacting upon, affecting, responding to, showing, describing, analyzing, reflecting, or constituting.

17. Whenever an interrogatory requests you to "state the facts" or "describe", you should provide all information relating to the subject matter of such interrogatory, including a specification of dates of all events which relate to such subject matter, the identity of all oral and written communication and meetings relating to the subject matter, the identity of all persons with knowledge of the facts that relate to the subject matter, and the identity of all documents which refer to, relate to, or contain information concerning such subject matter. If there were any oral or written communications concerning the subject matter of the interrogatory, include the identity of the participants to such communications and set forth the substance of such communication.

18. "Paratransit" means any transportation services regulated by the Pennsylvania Public Utility Commission as paratransit services, as well as any other transportation of persons by motor vehicle in intrastate commerce that are not classified as airport transfer, call or demand, scheduled route, group and party, or limousine service by the Pennsylvania Public Utility Commission.

19. "Vehicle" means a mechanical device used for transporting persons.

20. "Application" means the application for paratransit services filed by the Applicant with the Pennsylvania Public Utility Commission in this proceeding.

21. "Ambulance Service" means an entity that engages in the business or service of providing emergency medical services to patients in any state in the United States of America by operating an ambulance, an advanced life support squad vehicle, a basic life support squad vehicle, a quick response service, an EMS agency, and/or those services which hold or by law are required to hold an ambulance service license or a special operations EMS service, as these terms are defined in the Pennsylvania Emergency Medical Services System Act.

22. "Ambulance" is a ground, water or air vehicle which is maintained or operated for the purpose of providing emergency medical services to and transportation of patients.

## II. INSTRUCTIONS

In answering each Interrogatory:

1. Identify each document and oral communication which forms the basis in whole or in part for each answer or which corroborates the answer or the substance thereof, stating separately each item required by the definitions, above.

2. State whether the information furnished is within the personal knowledge of the affiant, and, if not, identify each person (if known) to whom the information is a matter of personal knowledge.

3. If the answer to the Interrogatory is not presently known to the affiant, so state, and in addition, respond to the Interrogatory within ten (10) days after the date on which such answer becomes known to the affiant.

4. If you claim any form of privilege, whether based on statute or otherwise founded, as a ground for not answering an interrogatory or any part of an interrogatory, for not producing any document or part of any document, or for not identifying requested oral communications, set forth all facts upon which the claim of privilege is based.

5. Whenever a date, amount, or other computation or figure is requested, the exact date, amount, or other computation or figure is to be given unless it is not known; and, in that case, the approximate date, amount, or other computation or figure should be given or the best estimate thereof; and the answer should state that the date, amount, or other computation provided is an estimate or approximation.

6. Where facts are set forth in the answers or portions thereof and are supplied upon information and belief rather than your direct personal knowledge, you should so state, and specifically identify each source of such information and belief. Should you be unable to answer any interrogatory or portion thereof by either actual knowledge or upon information and belief, you should so state.

III. INTERROGATORIES.

1. Do you or any owner, shareholder, director, officer, supervisor, or manager of Century Medical Response have any affiliation with:
  - a. Another provider of paratransit services? If yes, identify, specify and describe.
  - b. Another ambulance service? If yes, identify, specify and describe.
  - c. Any other transportation service not already identified in 1(a) and (b), above? If yes, identify, specify and describe.
  
2. Describe the intended nature of the business in Luzerne County, Pennsylvania that the Applicant desires to provide when and if it should be granted the paratransit authority requested in its Application.
  
3. Identify each person who is expected to testify on behalf of Applicant as supporting witnesses and indicate:
  - a. Whether that person is testifying as to his/her own transportation needs or is testifying to the transportation needs of other individuals or entities. If the person is testifying on behalf of other individuals or entities, identify the other individuals and entities for whom the witness is testifying.
  - b. Has the witness or have the individual(s) and entities who the witness is testifying on behalf of ever been transported by the Applicant?
  - c. Whether the witness has been given or offered anything of value in order to appear at the hearing in this matter, and, if so, identify what.

- d. Does the witness have any relation (i.e., a relative, friend, spouse, neighbor, or other personal or business relationship) to or with any employee, owner, shareholder, officer, director, manager or employee of the Applicant? If so identify the person with whom the witness has a relationship and describe the relationship?
- e. Give a summary of each witness's expected testimony, as well as the name and address of all organizations they are or may testify on behalf of at the hearing in this matter.
- f. How many trips per day, week month or year each witness has paratransit needs.
- g. Where each witness needs or wants to be transported to and from.
- h. Whether each witness has ever heard of Protestant, Trans-Med Ambulance, Inc.
- i. Whether each witness has ever used the services of Protestant, Trans-Med Ambulance, Inc.
- j. How each witness's current paratransit transportation needs are being met.
- k. Any special needs of each witness.
- l. Whether the service of any carrier presently being used by the supporting witness will be terminated or curtailed upon you becoming a certified carrier (and specify whether the service will be terminated or curtailed). If service will be terminated or curtailed, also state: (i) the name of any entities you are aware of who are currently providing paratransit services to the witness or the company the witness is testifying on behalf of, (ii) whether you will be the primary provider of paratransit services for the witness; (iii) whether you will be one of the primary providers of paratransit services for the witness, (iv) whether you will be a secondary provider of paratransit services for the witness, or (v) whether you will be one of the secondary providers of paratransit services for the witness.

4. Identify all persons who are employed by Applicant or who are independent contractors or agents of Applicant and who are expected to testify on behalf of Applicant, and give a summary of his or her expected testimony.
  
5. Does and has the Applicant presently, or since January 1, 2015, received any requests for paratransit services from any hospitals, nursing homes, skilled nursing facilities, retirement facilities, assisted living facilities, hospices, or other healthcare institutions, healthcare facilities, or healthcare providers located in Luzerne County? If yes, identify any and all such requestors, the county in which they are located, and state whether the services requested were provided by the Applicant.
  
6. Since January 1, 2015, has the Applicant picked up and transported passengers with a point of origin anywhere in Luzerne County, Pennsylvania, in any vehicle other than an ambulance (regardless of whether or not any compensation was charged or received and regardless of whether such transport meets or might have met any of the PUC's exemptions)? If so, please state for each such transport:
  - a. The date, time and place (county and address) of such service, including the place of origin (county and address) and the place of destination (county and address);
  - b. The type of vehicle in which the service was provided;
  - c. Any exemption from the PUC's jurisdiction and why you believe such transport meets the exemption claimed;

- d. The identity of the driver and the identity of any personnel of the Applicant on board the vehicle in addition to the driver;
  - e. The age and sex of the passenger being transported.
  - f. Produce copies of the log books which reflect such authorized and/or unauthorized service [the names of the passenger may be redacted]; and
  - g. Specify the amount of compensation charged and received for the service rendered.
7. Does and has the Applicant presently, or since January 1, 2015, received any requests for paratransit services from any agency of the Commonwealth of Pennsylvania, any municipality, or any municipal corporation located in Luzerne County? If yes, identify any and all such requestors, and state whether the services requested were provided by the Applicant.
8. Identify any written or oral contracts or understandings, and produce copies of any written contract or understanding Applicant has to provide transportation service or related service to or from the below-listed entities in the County of Luzerne. If said contracts or understandings are oral in nature, describe the agreement, including, but not limited to, the duration of the agreement, the fees to be paid, and the nature of the transportation services provided.
- (a) Hospitals;

(b) Skilled nursing facilities, assisted living facilities, nursing homes, or retirement homes;

(c) Dialysis treatment centers,

(d) Other healthcare offices, facilities, or institutions;

(e) Any private organization;

(f) Any agency of the Commonwealth of Pennsylvania; and

(g) Any other public organization.

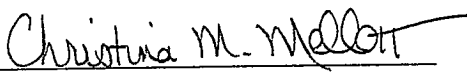


9. Identify and provide copies of all exhibits which the Applicant or the Applicant's counsel intends to offer into evidence, sponsor or present to its own or another party's witnesses during any hearing on the Applicant's Application.
  
10. Does the Applicant own or have any plans to purchase any wheelchair vans? If so, please identify the year, make, model, vehicle identification number, and seating capacity of all such wheelchair vans.
  
11. Identify each and every formal and/or informal complaint against the Applicant filed by or with the Pennsylvania Public Utility Commission. For each complaint, state: the date of the complaint; nature of the complaint; Public Utility Code and Public Utility Commission Regulation alleged to have been violated; date of trip(s); origin of trip(s); and how the complaint was resolved. Provide copies of each formal and/or informal complaint.
  
12. Other than those complaints identified in Interrogatory 11, above, has the Applicant ever been visited by or received a call from someone who identified himself/herself as an employee of the Pennsylvania Public Utility Commission? If so, for each such call/visit, please identify: whether it was an in-person visit or a phone call, the location of the Applicant's facility called/visited, date of the call/visit, time of the call/visit, the reason stated by the Pennsylvania Public Utility Commission employee for the call/visit, and how the call/visit was resolved. Provide copies of any documents given to the Applicant by the Pennsylvania Public Utility Commission during such call/visit.

13. Identify all persons who assisted in the preparation of, or contributed information used in, the answers to the foregoing Interrogatories. For each person, specify which Interrogatory answers said person assisted in preparing, or to which each contributed information, and identify the specific knowledge or information contributed by said person.
14. Attach copies of all other documents requested in each Interrogatory above which you have not previously furnished, as well as all other documents not previously furnished, but which were mentioned (specifically or by inference), identified or described by you in any of the Applicant's answers to the Interrogatories, above, and well as copies of all discovery furnished by the Applicant to any other Protestant in this case at Commission Docket No. A-2015-2465681 which have not already been provided to the Protestant.

Respectfully submitted,

Dated: 6/30/2015

  
Christina M. Mellott, Esquire  
Attorney I.D. No. 81369  
PAGE, WOLFBERG & WIRTH, LLC  
5010 East Trindle Road, Suite 202  
Mechanicsburg, PA 17050  
(717) 691-0100; (717) 691-1226 (fax)

Counsel for Protestant, Trans-Med Ambulance, Inc.



(717) 691-0100  
(717) 691-1226 (fax)

Counsel for Protestant, Trans-Med Ambulance, Inc.

VERIFICATION

The undersigned states that he or she is familiar with the information set forth in the foregoing Answers to Interrogatories and Request for Production of Documents to Applicant, and that such Answers are true and correct to the best of his/her knowledge, information and belief. The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsification to authorities.

---

Signature

---

Printed Name

---

Date

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- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

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

2. Article Number

(Transfer from service label)

7014 2870 0001 7617 7763

PS Form 3811, July 2013

Domestic Return Receipt

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X. *S. Senegas*

Agent

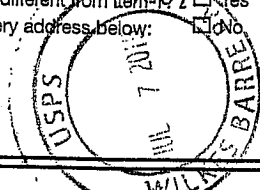
Addressee

B. Received by (Printed Name)

*S. Senegas*

C. Date of Delivery

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No



3. Service Type

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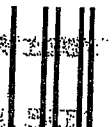
Insured Mail

Collect on Delivery

4. Restricted Delivery? (Extra Fee)

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6/30/2015

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Street & Apt. No., or PO Box No. PO Box 773  
City, State, ZIP+4 Wilkes-Barre, PA 18703

PS Form 3800, July 2014

See Reverse for Instructions

EXHIBIT

**B**

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