



THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

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December 2, 2015

Via Electronic Filing

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

Re: Application of Tyran Wheaton t/a En Route Medical Transport
Docket No. A-2015-2511414


Dear Secretary Chiavetta:

Enclosed for filing on behalf of Rover Community Transportation, Inc. is its Protest to the above-referenced Application. Copies of the Protest are being served upon the persons and in the manner set forth in the certificate of service attached to it.

Should you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By 
Charles E. Thomas, III

Enclosure

cc: Certificate of Service (w/encl.)
Dale N. Krapf (w/encl.)
Gary D. Krapf (w/encl.)

3. The name, business address, and contact information of Protestant's attorney are:

Charles E. Thomas, III, Esq.
THOMAS, NIESEN & THOMAS, LLC
212 Locust Street, Suite 600
Harrisburg, PA 17101
Tel: 717.255.7611
Fax: 717.236.8278
Email: cet3@tntlawfirm.com

4. Applicant has applied for authority for the right to transport persons in paratransit service from points in Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton, and Philadelphia Counties to points in Pennsylvania, and return. Protestant holds authority of the Pennsylvania Public Utility Commission in conflict with a portion of the authority Applicant seeks in this proceeding (*viz.* Chester County). The authority held by Protestant at A-6414067, upon which its protest is predicated, is attached hereto as **Attachment A** and made a part hereof.

5. Absent on the record presentations, Protestant does not believe there is a need for the proposed service as described in the Application. 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.

6. Protestant submits further that the entry of a new carrier would endanger or impair the operations of existing carriers to an extent that, on balance, the granting of authority would be contrary to the public interest.

7. In sum, approval of this Application, as currently constituted, is not necessary or proper for the service, accommodation, convenience or safety of the public.

8. Protestant's interests would be protected, and Protestant would agree to withdraw its protest, if Applicant would completely remove Protestant's authorized service territory from Applicant's proposed service territory.

9. Pursuant to Section 333(c) of the Public Utility Code, 66 Pa.C.S. § 333(c), demand is made upon Applicant to furnish to Protestant's counsel a list of the names and addresses of the witnesses, names and addresses of the entities that they represent, if any, and the subject matter of their expected testimony. This is a continuing request and is applicable to all witnesses to be called.

WHEREFORE, Rover Community Transportation, Inc. respectfully requests that the Pennsylvania Public Utility Commission deny and dismiss the Application of Tyran Wheaton t/a En Route Medical Transport at Docket No. A-2015-2511414.

Respectfully submitted,



Charles E. Thomas, III, Esq.
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*Attorney for Protestant
Rover Community Transportation, Inc.*

DATED: December 2, 2015

ATTACHMENT A

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

Public Meeting held March 15, 2012

Commissioners Present:

**Robert F. Powelson, Chairman
John F. Coleman, Jr., Vice Chairman
Wayne E. Gardner
James H. Cawley
Pamela A. Witmer**

Application of Rover Community Transportation, Inc., for the right to begin to transport, as a common carrier, by motor vehicle, persons, in paratransit service, from points in the county of Chester, to points in Pennsylvania, which is to be a transfer of all the right authorized under the certificate issued at A-00104504, F.2, Am-A to Krapf's Coaches, Inc., subject to the same limitations and conditions.

A-6414067
A-2011-2273451

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed November 11, 2011. Public notice of the application was given in the *Pennsylvania Bulletin* of January 21, 2012 with protests due by February 6, 2012. No protests were filed. The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified information submitted with the application.

DISCUSSION AND FINDINGS

Rover Community Transportation, Inc. (Rover or applicant) seeks to begin providing paratransit service by acquiring through transfer the paratransit right held by Krapf's Coaches, Inc. Applicant has no prior history of non-compliance with Commission regulations and transferor has no outstanding fines.

Corporate officers of Rover are Gary Krapf, President and Dale Krapf, Secretary/Treasurer. Gary Krapf was authorized to complete the verified statement of applicant. Rover is a sister company of Krapf's Coaches, Inc., which currently has active authority for paratransit, broker of passengers, scheduled route, limousine, airport transfer and group and

party service. Applicant is also a sister company of George Krapf Jr. & Sons, which holds active group and party authority. Due to an internal corporate restructuring of Krapf's Coaches, Inc., it was determined that the paratransit portion of the corporation would be operated more efficiently as a separate corporate entity. Therefore, Rover will continue to be operated in the same manner as it has been as a division of Krapf's. Krapf's itself has nearly 30 years of experience as a Commission-certificated motor common carrier. Rover will retain most of the same employees, drivers and vehicles presently being used.

Applicant's facility is located at 1002 South Chestnut Street, Downingtown, Chester County and includes administrative, dispatch, storage and maintenance functions. Records will be retained for three years at the Downingtown facility and then transferred to another location to be retained for an additional four years. Rover is currently using reservation software named The "Q". It is capable of receiving and scheduling reservations. The "Q" also provides live dispatching and recognition of ADA service areas. Business hours are 5:30 a.m. to 8:00 p.m., Monday through Friday. Applicant employs two dispatchers during normal business hours. After hours calls will be handled by an on-call dispatcher equipped with a two-way radio and cell phone. For all after-hours emergencies, one of Rover's management staff will be available.

Rover will employ an office staff of 20 people, including 4 maintenance people and approximately 100 full and part-time drivers. New hires are subject to background screening, which includes checking criminal history and driver's license, child abuse clearance, verification of previous employment and drug testing. Rover is a third party test facility for commercial driver licensing. Potential drivers will receive CDL training in preparation for taking the test. All new employees are required to undergo a minimum of 20 hours of classroom instruction on safety and operations. An additional minimum of ten hours of behind-the-wheel instruction and 30 or more hours of training on passenger assistance, wheelchair securement, sensitivity, first aid, CPR and ADA regulations is required. A final three to four days of on-the-job training with a veteran driver is provided.

Applicant has submitted a list of vehicles to be used with its verified statement. Two full-time mechanics will be utilized for the proposed service, with nine mechanics working at another Krapf's Coaches, Inc. facility in Glenmoore, Chester County who can provide backup, if needed. This provides maintenance coverage for all but a few hours on Sundays when a mechanic will be on-call. Maintenance records will be kept by the fleet manager using specialized maintenance software and retained for at least five years. Drivers will be required to perform pre-trip and post-trip vehicle inspections and maintenance personnel will conduct weekly inspections, which include cleaning the interior and exterior of the vehicle. Vehicles will be detailed every 15 days or 3,000 miles, whichever comes first, and serviced every 3,000 miles. A major vehicle inspection is conducted every 12,000 miles.

The balance sheet of the applicant shows total assets of \$3,398,085, including \$69,401 in cash, and total liabilities of \$3,311,606, for total owner's equity of \$86,479. Projected revenue of \$8,663,700 will return a net loss of \$356,774, after projected expenses of \$9,020,474. Applicant will be sharing resources with its sister company and has retained earnings of \$76,479, which will offset the projected first year loss.

We advise the applicant to become familiar with the requirements of 52 Pa. Code as applicable to the operation of a common carrier as authorized by this grant of authority. Failure to comply with all applicable requirements may subject the carrier to penalties, including fines, suspension of operating rights or cancellation of authority. Title 52 of the Pennsylvania Code may be accessed 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 is hereby approved and that a certificate be issued granting the following right:

To transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the county of Chester, to points in Pennsylvania.

subject to the following general conditions:

That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or right(s) to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefore, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.

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


IT IS FURTHER ORDERED: That upon compliance with the requirements above set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as above-determined.

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 in the event said applicant has not, on or before sixty (60) days from the date of entry 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, Krapf's Coaches, Inc., at A-00104504, F.2, Am-A, be canceled and the record marked closed.

BY THE COMMISSION,

A handwritten signature in cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: March 15, 2012

ORDER ENTERED: March 15, 2012

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

IN THE MATTER OF: A-6414067

Rover Community Transportation, Inc., for the right to begin To transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the county of Chester, to points in Pennsylvania. subject to the following general conditions: That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and/or right(s) to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefore, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon. A-2011-2273451

EFFECTIVE DATE: May 16, 2012

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues to the applicant this **CERTIFICATE OF PUBLIC CONVENIENCE** evidencing the Commission's approval to operate.

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 16th day of May, 2012.


Secretary

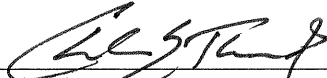
Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Tyran Wheaton : Docket No. A-2015-2511414
t/a En Route Medical Transport :

CERTIFICATE OF SERVICE

I hereby certify that I have this 2nd day of December, 2015, served a true and correct copy of the foregoing Protest of Rover Community Transportation, Inc., upon the persons listed below by first class mail, postage prepaid:

Tyran Wheaton
t/a En Route Medical Transport
5453 Garfield Avenue
Pennsauken, NJ 08109



Charles E. Thomas, III
PA Attorney ID # 201014