

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

KJR 7

1. REPORT DATE: July 17, 2001	2. <u>BUREAU AGENDA NO.</u> AUG-2001-TSM-0118*
3. BUREAU: Transportation and Safety	
4. SECTION(S): MCS&E	5. <u>PUBLIC MEETING DATE:</u>
6. APPROVED BY: Director: ^{em} Mahan 7-2496 Supervisor: Zeigler 3-5946	August 9, 2001 DOCKET
7. PERSONS IN CHARGE: Ehrhart 3-5945 	OCT 01 2001
8. DOCKET NO.: A-00109726, F.2	

9. (a) **CAPTION** (abbreviate if more than 4 lines) **DOCUMENT FOLDER**
 (b) **Short summary of history & facts, documents & briefs**
 (c) **Recommendation**

- (a) Application of Executive Transportation Company, t/d/b/a Luxury Sedan Service, a Pennsylvania Corporation, Bensalem, Bucks County, for the transfer of the paratransit right of Super Senior Transport, Inc., authorized under the certificate issued at A-00102258, F.3, subject to the same limitations and conditions.
- (b) The application is unopposed. The applicant has the fitness necessary to provide paratransit service under the right to transfer. The intrastate authority is being transferred for the consideration of \$14,400.00. Approval of the transfer is necessary for the continued accommodation and convenience of the public.
- (c) The Bureau of Transportation and Safety recommends the Commission adopt the proposed order approving the application, and canceling the certificate of the transferor at A-00102258, F.3 by supplemental order.

10. **MOTION BY:** Commissioner Chm. Thomas

Commissioner Wilson - Yes
 Commissioner Fitzpatrick - Yes
 Commissioner

SECONDED: Commissioner Bloom**CONTENTS OF MOTION:** Staff recommendation adopted.



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

IN REPLY PLEASE
REFER TO OUR FILE

August 13, 2001

A-00109726
F.2

DOCKETED
SEP 06 2001

EXECUTIVE TRANSPORTATION COMPANY
T/A LUXURY SEDAN SERVICE
1167 NEWPORT MEWS DRIVE
BENSALEM PA 19020

DOCUMENT
FOLDER

Application of Executive Transportation Company,
t/d/b/a Luxury Sedan Service,
a Pennsylvania Corporation . . .

REF

To Whom It May Concern:

Enclosed is the compliance order issued by the Commission in this proceeding.

The applicant will not be permitted to operate or engage in any transportation granted by the enclosed order until a tariff has been prepared and filed in accordance with the enclosed instructions.

Motor carriers operating without complying with the above requirement will be subject to the penalty provisions of the Public Utility Code.

Commission regulations require compliance with all of the above requirement within sixty (60) days of the date of this letter. Failure to comply within the sixty (60) day period will cause the Commission to rescind the action of August 9, 2001 and dismiss the application without further proceedings.

Very truly yours,
James J. McNulty

James J. McNulty
Secretary

law
Enclosure
Certified Mail
Tariff Contact Person: Tariff Unit (717) 787-5945
Modification

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

Public Meeting held August 9, 2001

Commissioners Present:

**Glen R. Thomas, Chairman
Robert K. Bloom, Vice-Chairman
Aaron Wilson, Jr.
Terrance J. Fitzpatrick**

Application of Executive Transportation Company,
t/d/b/a Luxury Sedan Service, a Pennsylvania
Corporation, for the transfer of the paratransit
right of Super Senior Transport, Inc., authorized
under the certificate issued at A-00102258, F.3,
subject to the same limitations and conditions.

A-00109726
F.2

DOCKETED
SEP 06 2001

ORDER

BY THE COMMISSION:

This matter comes before the Commission upon an application filed February 16, 2001. Public notice of the application was given in the Pennsylvania Bulletin of April 21, 2001. No protests were filed. The unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS:

The applicant is seeking an additional grant of authority to transport persons in paratransit service through a transfer of that authority from Super Senior Transport, Inc.

The transferor has stated it no longer desires to provide the paratransit service and is selling the intrastate authority for \$14,400.00.

**DOCUMENT
FOLDER**

The applicant is currently certificated to provide limousine service in portions of Bucks, Delaware, Montgomery and Philadelphia Counties. Executive Transportation has provided a current balance sheet reporting total assets of \$210,703.75 and total liabilities of \$139,732.96. The applicant will acquire vehicles after the transfer of the operating authority.

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, 440Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947) Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

After complete review of the record, we find:

1. The applicant has the experience and fitness to provide the proposed service.
2. Approval of the unopposed application for transfer of the authority is necessary for the continued accommodation and convenience of the public;
THEREFORE,

IT IS ORDERED: That the application be and is hereby approved granting the following additional right:

To transport as a common carrier, persons in paratransit service, between points in the city and county of Philadelphia.

subject to the following general conditions:

1. That the authority granted herein to the extent that it duplicates authority now held or subsequently granted to the applicant shall not be construed as conferring more than one operating right.
2. That the approval hereby given is not to be understood as committing the Commission, in any proceeding that may be brought before it for any purpose to fix a valuation on the property and/or rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by the applicant, or to approve or prescribe rates sufficient to yield a return thereon.

3. That the certificate holder shall not transfer, sell or in anyway convey any of its outstanding capital stock to any individual, partnership, corporation or any other entity, without the prior filing of an application and approval thereof by the Commission under Section (a) (3) of Title 66 Pa C.S.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation authorized by this order until the following is submitted to the Commission:

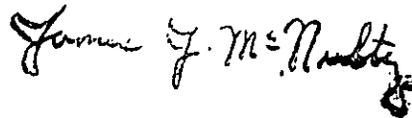
1. A tariff establishing just and reasonable rates.

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

IT IS FURTHER ORDERED: That upon compliance with the requirements of this order, the authority granted to Super Senior Transport, Inc., under the certificate issued at A-00102258, F.3, shall be canceled and the record be marked closed.

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.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: August 9, 2001

ORDER ENTERED: AUG 13 2001



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

IN REPLY PLEASE
REFER TO OUR FILE

August 22, 2001

DOCKETED
SEP 25 2001
**DOCUMENT
FOLDER**

EXXECUTIVE TRANSPORTATION COMPANY
T/A LUXURY SEDAN SERVICE
1167 NEWPORT MEWS DRIVE
BENSALEM PA 19020

Re: A-00109726, F.2 – Executive Transportation Company,
t/d/b/a Luxury Sedan Service

Dear Sirs :

Under date of August 13 2001, the Secretary's office transmitted to you the Commission's compliance order adopted August 9, 2001 evidencing approval of the above application which is in effect a transfer of the rights formerly held by Super Senior Transport, Inc. at A-00102258, F.3. The letter transmitting the order directs attention to the requirement for the filing of a tariff.

In accordance with the provisions of Pa. Code, Title 52, Section 23.13(c), you should immediately arrange to file adoption supplements with us whereby the tariff of the former operator will become the tariff of the latter, and no change in rates is permitted to cover the transfer of rights. To assist you in meeting this tariff requirement, we are enclosing three copies of the necessary supplement to be properly executed by you, the original and one copy of which must be returned to us for filing and the remaining one to be retained for your records. Upon the proper filing of the adoption supplements, the tariff requirements will be satisfied.

Very truly yours,

Monroe Dove, Tariff Examiner
William Hoshour, Supervisor
Insurance/ Filing Unit

For

cc: Document Folder A-00109726, F.2

Contact Person: M. Dove (717) 787-5945