

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Tyran Wheaton : Commission Docket No.
t/a En Route Medical Transport :
for the right to transport : A-2015-2511414
as a common carrier, by motor vehicle, :
persons in paratransit service :

PROTEST OF EZ TAXI, LLC

AND NOW, comes EZ Taxi, LLC. ("Protestant"), by and through its undersigned counsel, and pursuant to 52 Pa. Code § 3.381, files this Protest to the Application of Tyran Wheaton t/a En Route Medical Transport ("Applicant") for authority to provide paratransit service. In support thereof, Protestant submits the following:

1. The name and address of Protestant are:

EZ Taxi, LLC.
2304 Walnut Street
Harrisburg, PA 17103

2. The name and address of Protestant's attorney are:

John W. Sweet, Esq.
620 South 13th Street
Harrisburg, PA 17103

3. Applicant has filed an Application with the Public Utility Commission (the "Commission") for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Berks, Bucks, Chester, Delaware, Lancaster, Lehigh, Montgomery, Northampton and Philadelphia, to points in Pennsylvania, and return.

4. Protestant holds authority of the Commission in potential conflict with the authority sought by Applicant. Protestant's authority is at Docket No. A-00119741, F. 2, Am-A.

5. Protestant submits that there is no need for the proposed service, thus approval of this application will not serve a useful public purpose or need, but will duplicate already existing service to the detriment of existing carriers.

6. Applicant failed to attach any financial information to its application that would indicate Applicant's financial fitness, thus Protestant believes and therefore avers that Applicant does not possess the requisite financial fitness to provide the proposed service.

7. Applicant failed to attach information to its application that would indicate how Applicant intends to operate, thus Protestant believes and therefore avers that Applicant does not possess the requisite technical fitness to provide the proposed service.

8. Applicant has submitted no evidence indicating that Applicant can meet the criteria in 52 Pa. Code § 41.14, thus approval of the Application is not necessary or proper for the service, accommodation, convenience, or safety of the public and would be contrary to public interest.

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

10. A restrictive amendment removing the Counties of Berks and Lancaster would protect Protestant's interest and result in a withdrawal of the protest.

11. Regarding any hearing on this matter, pursuant to Pennsylvania 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 any witnesses, along with names and addresses of any entity that the witnesses may represent and the subject matter of the witness's testimony. This is a continuing request and is applicable to all witnesses to be called.

WHEREFORE, Protestant, EZ Taxi, LLC respectfully requests that this Honorable Commission deny the application of Tyran Wheaton t/a En Route Medical Transport.

Dated: 12/7/15

Respectfully submitted,



John W. Sweet, Esq.
620 South 13th Street
Harrisburg, PA 17104
Counsel for EZ Taxi, LLC

VERIFICATION

I, Maher S. Ahmed, Business Manager of EZ Taxi, LLC, hereby verify that the statements made in the foregoing ***Protest*** are true and correct to the best of my knowledge, information and belief. I understand that the statements in the foregoing document are made subject to the penalties of 18 Pa.C.S. §4909 relating to unsworn falsification to authorities.

Date

12/7/15



Maher S. Ahmed, "Mark Saber"
EZ Taxi, LLC
2304 Walnut Street
Harrisburg, PA 17103

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing **Protest** by placing a true and correct copy thereof in the United States Mail, first class postage prepaid, addressed as follows:

VIA U.S. MAIL:

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

Dated: 12/7/15



John W. Sweet, Esq.
620 South 13th Street
Harrisburg, PA 17104
Counsel for EZ Taxi, LLC

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held September 13, 2007

Commissioners Present:

Wendell F. Holland, Chairman
James H. Cawley, Vice Chairman
Tyrone J. Christy
Kim Pizzingrilli

Application of EZ Taxi, LLC, (originally filed as Maher Saber, t/d/b/a United Cab), Harrisburg, Dauphin County, for amendment to its common carrier certificate, which grants the right, inter alia, to transport, by motor vehicle, persons, upon call or demand in the counties of Cumberland, Dauphin and York: SO AS TO PERMIT the transportation of persons upon call or demand in the city of Lancaster, Lancaster County, and points within an airline distance of six statute miles of the limits of the said city.

A-00119741
F. 2, Am-A

Peter B. Foster, Esquire

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed September 16, 2005. Public notice of the application was given in the *Pennsylvania Bulletin* of October 1, 2005 with protests due by October 24, 2005. No protests were filed. The verified statements were requested by letter dated November 3, 2005 and due by December 5, 2005. The verified statement of applicant and nine statements in support were received on December 5, 2005. By Order entered February 27, 2006, the Commission denied the application under the premise that the record demonstrated that the applicant lacked a propensity to operate legally and safely.

On March 24, 2006, applicant filed a Petition for Review of the Commission's February 27, 2006 Order, in the Commonwealth Court of Pennsylvania. On May 18, 2006, the

Commission applied to the Court for a remand of the matter, pursuant to Pennsylvania Rule of Appellate Procedure 123. On May 19, 2006, the Commission's Petition was granted and the Court remanded the matter to the Commission for further proceedings and development of an evidentiary record. A hearing was held on November 28, 2006, before Administrative Law Judge (ALJ) Cocheres. By notice dated April 2, 2007, the ALJ in the instant proceeding was changed to Robert P. Meehan. An Initial Decision was issued May 18, 2007, by ALJ Meehan which determined that applicant has the technical, financial and legal fitness to hold the additional operating rights requested in its application. A final order was entered on June 21, 2007, which referred the proceeding to the Bureau of Transportation and Safety for review as an unopposed application and a determination as to whether the verified statements previously submitted in the proceeding established a need for the proposed service. The Bureau of Transportation and Safety was ordered to afford applicant the opportunity to submit supplemental verified statements in support of its application, if necessary. Since the applicant has been determined to be financially and legally fit by the ALJ, we will only address the need for the proposed service. The unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

EZ Taxi, LLC (applicant or EZ Taxi) trading and doing business as United Cab seeks to expand its call or demand operating territory. The application for amendment to its call or demand authority was originally filed and published as Maher Saber, *v/a/d/a* United Cab. Applicant successfully registered in the new name EZ Taxi, LLC. All relevant issues in the application as originally filed remain unchanged in the application now before us for consideration. The application is hereby considered as EZ Taxi, LLC.

By letter dated July 6, 2007, applicant was requested to submit current, updated verified statements. Thirty supporting statements were hand delivered on July 27, 2007. Together with the nine supporting statements submitted December 5, 2005, thirty-nine parties support the instant application. Each one supports a need for call or demand service in the requested territory. The frequency of use of the service varies from daily to four times a month. The supporting statements demonstrate that applicant has met its burden of proof regarding establishing a need for the proposed service.

We advise the applicant of the obligation to become familiar with the requirements of 52 Pa. Code as applicable to the operation of a motor 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 on the World Wide Web at www.pacode.com.

In particular, we urge the applicant to become familiar with the following regulation at 52 Pa. Code §29.314(d) with respect to vehicle age. By Commission Order entered June 1, 2007, at P-00072274, the effective date for vehicle age requirements was extended to January 1, 2008. Effective January 1, 2008, vehicles operated in call or demand service may not be more than eight model years old, unless otherwise permitted by the Commission.

After complete review of the record, we find:

1. The applicant has the equipment and financial fitness to provide the proposed service, as determined by Final Order entered June 21, 2007.
2. Thirty-nine parties support the application.
2. Approval of the application is necessary for the accommodation and convenience of the public; **THEREFORE,**

IT IS ORDERED: That the application is approved granting the following right:

To transport, as a common carrier, persons upon call or demand in the counties of Cumberland, Dauphin, and York: **SO AS TO PERMIT** the transportation of persons upon call or demand in the city of Lancaster, Lancaster County, and points within an airline distance of six statute miles of the limits of said city.

IT IS FURTHER ORDERED: That the applicant shall not provide any service granted in this order until the following is submitted to the Commission:

1. Form E evidence of Bodily Injury and Property Damage Liability Insurance.
2. 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 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.