

March 1, 2016

Via Electronic Filing

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

Re: Tri-Conn Alternative Services, Inc. v. EMS Southwest, Inc.
Complaint Docket No. C-2016-2528321
Our File: 028434-167754

Dear Secretary Chiavetta:

Attached is the Reply to New Matter filed on behalf of Tri-Conn Alternative Services, Inc.

If you should have any questions, please contact us. Thank you.

Sincerely,

TUCKER ARENSBERG, P.C.



Ryan P. Siney

RPS/bh
Enclosure

cc: Tri-Conn Alternative Services, Inc. (via email)
William A. Gray, Esquire

HBGDB:156208-1 027503-154183

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

TRI-CONN ALTERNATIVE SERVICES , INC.	:	
	:	
Complainant	:	Complaint Docket
	:	
v.	:	No. C-2016-2528321
	:	
EMS SOUTHWEST, INC.	:	
	:	
Respondent	:	

REPLY TO NEW MATTER

AND NOW COMES Complainant, Tri-Conn Alternative Services, Inc., by and through its counsel, to state and aver the Reply to New Matter of Complainant, EMS Southwest, Inc. (“EMS Southwest”):

23. The averments of Paragraph 23 are legal conclusions that require no response. To the extent a response is required, it is denied that any service provided outside the scope of the existing authority granted to EMS Southwest by the Pennsylvania Public Utility Commission (“PUC”) is exempt from PUC jurisdiction pursuant to 66 Pa.C.S. §102(9) and 52 Pa. Code §41.11, and strict proof of the same is demanded.

WHEREFORE, Complainant, Tri-Conn Alternative Services, Inc., respectfully requests that the PUC enter an order enjoining and/or prohibiting Respondent, EMS Southwest, Inc., from offering, rendering, furnishing or supplying paratransit service outside the scope of the certificate of public convenience granted by the PUC unless and until a certificate of public convenience to

offer, render, furnish or supply such service is issued, along with any other available civil penalties, fines and other remedies the PUC determines is appropriate.

Respectfully submitted,

Date: March 1, 2016

TUCKER ARENSBERG, P.C. *

By: 

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Tri-Conn Alternative Services, Inc.*

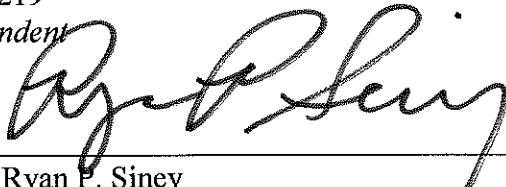
HBGDB:156203-1 027503-154183

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a true copy of the foregoing Reply to New Matter in accordance with the requirements of 52 Pa. Code §1.54 via first class mail, postage prepaid, as follows:

William A. Gray, Esquire
VUONO & GRAY, LLC
310 Grant Street
Suite 2310 Grant Building
Pittsburgh, PA 15219
Attorneys for Respondent

Dated: March 1, 2016

By: 
Ryan F. Siney