

LAW OFFICES

VUONO, LAVELLE & GRAY

2310 GRANT BUILDING

PITTSBURGH, PA. 15219-2383

(412) 471-1800

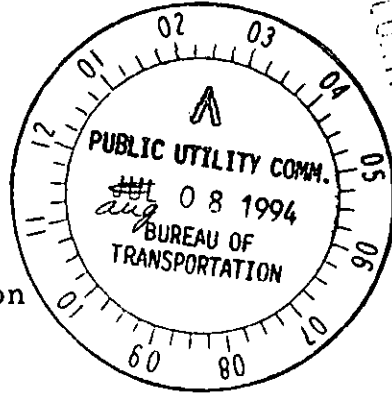
JOHN A. VUONO
WILLIAM J. LAVELLE
WILLIAM A. GRAY
MARK T. VUONO *
RICHARD R. WILSON
DENNIS J. KUSTURISS
CHRISTINE M. DOLFI
PETER J. SCANLON

August 3, 1994

TELECOPIER
(412) 471-4477

* ALSO MEMBER OF FLORIDA BAR

Re: Daniel R. Koebler
Docket No. A-00111425



REC'D CONTROL DIV.
AUG 15 1994

Mr. John G. Alford, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17105-3265

Dear Mr. Alford:

We enclose for filing with the Commission the signed original of a protest to the above application.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed, stamped envelope provided.

Very truly yours,

VUONO, LAVELLE & GRAY

William A. Gray
William A. Gray

rm

Enclosure

cc: Mr. Daniel R. Koebler (w/enc.) (by Certified Mail)
Star Limousine Service, Inc.
Donald Garrett Rebmann, t/d/b/a White Knight Limousine Service

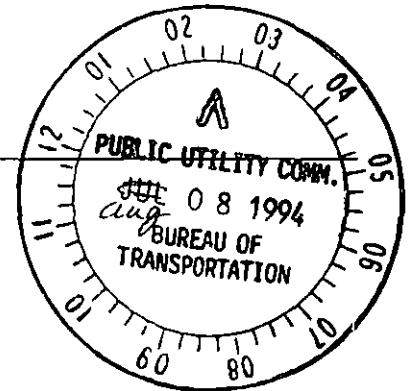
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Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

DOCKET NO. A-00111425

DANIEL R. KOEBLER

PROTEST AND REQUEST
FOR ORAL HEARING



The motor carriers shown on Appendix A hereof (herein called protestants) protest the above application and request that the application be assigned for oral hearing and in support thereof respectfully represent as follows:

1. By this application, notice of which has been published in the Pennsylvania Bulletin, applicant seeks authority as set forth in Appendix A.
2. Protestants hold authority from this Commission at the docket numbers shown in Appendix A and the relevant portions of the authority are attached to the protest. Unless otherwise indicated in Appendix A, protestants will withdraw the protest only in the event an amendment is made which will totally eliminate the conflict between the authority sought by the application and the authority presently held by protestants.

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FOLDER

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MW

3. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since (a) protestants presently hold authority to provide service in the area affected by the application, (b) protestants and other existing carriers are providing adequate service to the shipping public in the areas involved in the application, (c) there is no need for the service proposed by applicant and approval of the application will result in the diversion from existing carriers of tonnage and revenue necessary to sustain their existing operations, and (d) approval of the application will adversely affect protestants and other existing carriers which have a substantial investment in facilities and equipment and are willing and able to provide service in the application area.

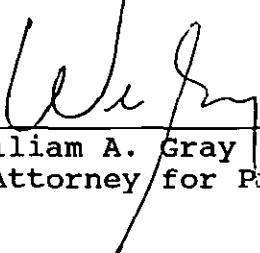
4. Protestants request that the application be set for oral hearing and that applicant be required to prove by competent evidence the elements of proof required by statute. If an oral hearing is held, protestants will appear and present evidence of protestants' own operations and particular interests unless this application is amended so as to eliminate those interests as set forth in this protest.

WHEREFORE, protestants request that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to protestants to participate fully therein;

and applicant be required to make available at the hearing competent witnesses for examination on all material and relevant facts bearing on the application.

Respectfully submitted,

STAR LIMOUSINE SERVICE, INC.
DONALD GARRETT REBMANN, t/d/b/a
WHITE KNIGHT LIMOUSINE SERVICE

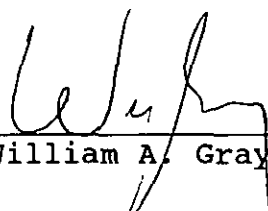
By: 
William A. Gray
Attorney for Protestants

VUONO, LAVELLE & GRAY
2310 Grant Building
Pittsburgh, PA 15219
(412) 471-1800
Of Counsel

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the above protest and request for oral hearing upon applicant or upon applicant's attorney or representative as shown in the Pennsylvania Bulletin notice.

Dated at Pittsburgh, Pa. this 3rd day of August, 1994.


William A. Gray

Re: Daniel R. Koebler
Docket No. A-00111425

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on July 23, 1994 applicant seeks authority to operate as a common carrier, transporting:

Persons, in limousine service, between points in the counties of Butler and Mercer.

INTEREST OF PROTESTANT:

1. Star Limousine Service, Inc., 910 Sheraton Drive, Mars, PA 16046, (412) 776-0044, holds authority at Docket No. A-00106305. A copy of the relevant operating authority is attached hereto. As relevant to this application, Star Limousine can provide service between points in Butler County and from points in Butler County to points in Mercer County, and vice versa.

2. Donald Garrett Rebmann, t/d/b/a White Knight Limousine Service, 2 Woodrow Street, Lyndora, PA 16045, (412) 352-2323, holds authority at Docket No. A-00109489. A copy of the relevant operating authority is attached hereto. As relevant to this application, White Knight can provide service between points in Butler County and from points in Butler County to points in Mercer County, subject to certain conditions.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held November 27, 1985

Commissioners Present:

Linda C. Taliaferro, Chairman
Frank Fischl
Bill Shane

Application of Star Limousine Service, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, persons, in limousine service, between points in the counties of Butler and Allegheny, and from points in said counties, to points in Pennsylvania on and west of U.S. Highway Route 15, and return; subject to the following condition: Provided that no right, power or privilege is granted to transport persons between points in Allegheny County.

A-00106305

John A. Pillar for Star Limousine Service, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed June 7, 1985. Public notice of the application was given in the Pennsylvania Bulletin of June 29, 1985. Additional notice was given in the Butler Eagle, edition of July 12, 1985, and the Pittsburgh Press, edition of July 10, 1985, both of which are newspapers of general circulation published in Butler, Butler County, and Pittsburgh, Allegheny County, respectively.

The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and six supporting parties.

Robert C. Delucia, set forth in his verified statement that the applicant is not affiliated with any other motor common carrier or contract carrier of passengers certificated by the Commission. The applicant is a newly formed company which holds no operating authority from the Commission, the Interstate Commerce Commission or any other regulatory agency. Star Limousine has recently commenced providing service between points in Allegheny County under the jurisdiction of the Port Authority of Allegheny County.

The applicant's principal facility will be located at Suite 12, 1204 Dutilh Road, Mars, Butler County. This facility consists of an office where requests for service are received, and billing, dispatching and other business functions are performed. At this location is a two-stall garage where equipment is stored. Star has purchased a silver, 1985 Cadillac stretch executive limousine to provide transportation service. The vehicle is equipped with rear seats which face each other and comfortably seat five persons. There is side mounted bar with crystal decanters and glasses, a color television set, an Am/Fm stereo cassette radio with four speakers and illuminated ice chest. The passenger compartment has separate controls for heating and air conditioning. The vehicle is equipped with electric sun roof, intercom system, tinted windows and power divided window between the driver and coach section of the vehicle. Star also owns and operates a 1984 Cadillac fleetwood limousine equipped with jump seats in the rear, mobile telephone, deluxe radio and stereo system and passenger compartment climate controls. The applicant has purchased and will soon be taking delivery of a 17 passenger luxury conversion van. The vehicle will be utilized for airport transfer service within Allegheny County. The applicant understands that this vehicle cannot be used for the limousine service contemplated by the application. Motor vehicle equipment is carefully checked before and after each trip. Drivers are carefully screened and road tested before being hired.

Star Limousine Service now provides limousine service between points in Allegheny County under the jurisdiction of the Port Authority of Allegheny County. The applicant is gaining experience in providing limousine service by virtue of this currently provided service. By the instant application, Star intends to operate luxury limousines transporting persons on an exclusive basis by advance reservation. The limousines will be chauffer driven with drivers outfitted in proper dress. Service will be available for any special occasion including special packages for weddings, concerts and restaurant trips. The service will be available for parties, proms, dances or other occasions when customers deem the use of a luxury limousine appropriate.

The financial capacity of the applicant to begin providing service is demonstrated by its current balance sheet which indicates total assets of \$84,991.00 with total liabilities of \$84,695.14.

Arthur Santomo, representing the Sheraton Hotel Northwest, Mars, Butler County, set forth in his verified statement that limousine service is needed to and from the Greater Pittsburgh International Airport, the city of Pittsburgh and suburbs and the Butler Airport. Transportation would occur from the hotel to these destinations. He does not know of any other limousine service available in this area to serve hotel patrons.

Pat Brogan, general manager, Servico, Greentree Holiday Inn, Pittsburgh, Allegheny County, set forth in his verified statement that limousine service is needed between eight Servico Holiday Inns and from and to those properties for management and corporate clients and staff. Additionally airport transfer service is needed from and to all eight Servico properties.

Robert R. Hakner, on behalf of Vekaplast, USA, Zelienople, Butler County, and Traco, Warrendale, Allegheny County, set forth in a verified statement that service is required for transportation to and from the Greater Pittsburgh Airport, Allegheny County Airport, Butler Graham Airport and Zelienople Airport. No limousine service is now available at this time. Transportation may also be requested for service to Harrisburg, Seven Springs and the Meadowlands.

A representative of 3-D Construction, Inc., set forth in the verified statement that a limousine service is required for transportation from Butler Airport and Greater Pittsburgh International Airport to points in Butler County and Allegheny County and vice versa.

A representative of Norla, Inc., Evans City, Butler County, set forth in a verified statement that limousine service is necessary to haul people from the airport back and forth. Transportation would occur from Cranberry Township, Butler County, to the airport and back.

Paul J. Chernicky, owner/broker, Horizon Real Estate, Mars, Butler County, set forth in his verified statement that limousine service is necessary to transport clients to the Meadowlands in Washington County, Seven Springs in Somerset County and from and to the Greater Pittsburgh International Airport, Butler Graham Airport and Zelienople Airport.

DISCUSSION AND FINDINGS

The applicant seeks to initiate limousine service in the counties of Allegheny and Butler and from those counties to points in Pennsylvania which are west of Route 15 provided that no service is provided between points in Allegheny County. This language can be clarified to provide service between points in the county of Butler and from points in the county of Butler, to points in the county of Allegheny and vice versa; and from points in the counties of Butler and Allegheny to points in Pennsylvania west of Route 15, and return.

The applicant now has on hand a 1985 Cadillac stretch limousine with luxury appointments and a 1984 Cadillac limousine with luxury features. The applicant anticipates delivery of a 17-passenger luxury conversion van for use in providing airport transfer service within Allegheny County. Although the applicant appears to be aware of our vehicle limitations for use in limousine service, the applicant is here cautioned that the van cannot be used to provide limousine service as requested by the instant application. The Commission's regulations at 52 Pa. Code §29.333 requires that limousine service be provided in luxury-type vehicles with a seating capacity of ten persons or less excluding the driver.

It is necessary at this point to make clear the method of operation for limousine service as described in the Commission's regulations at 52 Pa. Code §29.332, as all six supporting parties indicate a desire for service to and from airports at Pittsburgh, Butler and Zelienople. Limousine operators are required to provide exclusive service with the

order for service received in advanced of the actual rendering of service and not by street hail. This provision in the regulations would prohibit the pick-up of passengers at an airport unless prior arrangements were made for that pick-up service. A limousine could not be parked at the airport waiting for "walk up and ask" service. The limousine operator must charge for the service based on use of the vehicle with payment made by a single person or organization and not by passengers as individuals. Should the applicant seek to provide airport transfer service it should file for appropriate authority.

The supporting parties have facilities in the counties of Butler and Allegheny and are interested in using limousine service in conjunction with their businesses. They indicate uses for limousines to include the entertaining of clients and transportation of their staff. We determine the evidence is representative of a desire for limousine service between points in Butler County and from points in Butler County to points in Allegheny County and vice versa. The applicant through its support has demonstrated need for service from the counties of Butler and Allegheny to other points, but not to all points in the territory west of Highway Route 15 which comprises nearly two thirds of the Commonwealth. It is our determination the destination territory for service should be limited to that area on and west of Highway Route 219, which will permit the applicant to meet the stated needs of the supporting parties.

We find:

1. The applicant has the equipment, experience and fitness necessary to render the proposed service, as modified.
2. The applicant has established that approval of the application is necessary to permit the transportation of persons in limousine service between points in Butler County and from points in Butler County, to points in Allegheny County, and vice versa; and from points in the counties of Allegheny and Butler to points in Pennsylvania on and west of Highway Route 219, and return.
3. The applicant has failed to provide sufficient evidence to establish the necessity for service to all points in Pennsylvania in the territory on and west of Highway Route 15.
4. Approval of the application as modified is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application, as modified, be and is hereby approved granting the following right:

To transport, as a common carrier, persons, in limousine service, between points in Butler County, and from points in the county of Butler, to points in the county of Allegheny, and vice versa; and from points in the counties of Butler and Allegheny, to points in Pennsylvania on and west of U.S. Highway Route 219, and return.

subject to the following condition:

That the applicant shall comply with the provisions of 52 Pa. Code §29.331 through §29.334.

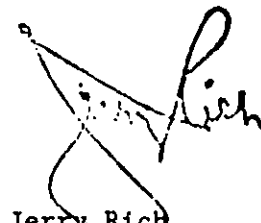
IT IS FURTHER ORDERED: That the application be and is hereby denied in all other respects for lack of proof of necessity.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the carrier shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That upon compliance with the requirements of the Public Utility Code and the rules and regulations of the Commission relating to the filing of evidence of insurance and the filing and acceptance of a tariff establishing just and reasonable rates, a certificate issue evidencing the Commission's approval of the right to operate as above determined.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date the order is entered, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: November 27, 1985

ORDER ENTERED: DEC 6 1985

DONALD GARRETT REBMANN, t/d/b/a
WHITE KNIGHT LIMOUSINE SERVICE

Persons, in limousine service, between points in the county of Butler and from points in said county to points in Pennsylvania, and return;

subject to the following conditions:

- (1) Provided that no right, power or privilege is granted to provide service from or to points in the townships of Adams, Connoquenessing, Cranberry, Forward, Jackson, Lancaster and Middlesex, Butler County, and the boroughs of Callery, Connoquenessing, Evans City, Mars, Seven Fields, Valencia, and Zelienople, Butler County; and
- (2) Provided that no right, power or privilege is granted to provide service from points in the townships of Butler and Penn, Butler County, to the Greater Pittsburgh International Airport located in the townships of Findlay and Moon, Allegheny County.

PILLAR AND MULROY
PROFESSIONAL CORPORATION

ATTORNEYS-AT-LAW

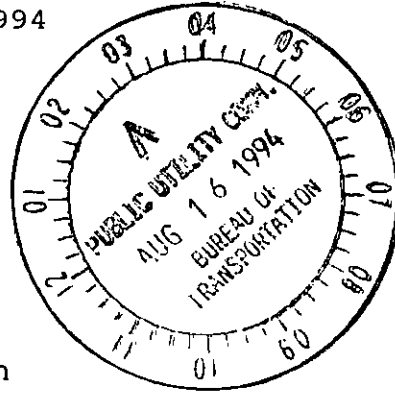
312 BLVD. OF THE ALLIES, SUITE 700
PITTSBURGH, PA 15222-1916

JOHN A. PILLAR
THOMAS M. MULROY
LYNN E. MACBETH
ANTHONY A. SEETHALER, JR.
JERI A. SIMON

TELEPHONE (412) 471-3300
FAX (412) 471-6068

August 11, 1994

Re: Daniel R. Koebler
Docket No. A-00111425



Hon. John G. Alford, Secretary
Pennsylvania Public Utility Commission
P. O. Box 3265
Harrisburg, PA 17120

Dear Mr. Alford:

Enclosed is a protest filed on behalf of the following to the above-captioned application:

Gold Cross Limousine of Pa., Inc.

A copy of this protest has been served on applicant's representative named below in accordance with the Commission's Rules of Practice.

Please acknowledge receipt of the enclosures on the duplicate of this letter of transmittal and return it in the stamped, self-addressed envelope provided.

Very truly yours,

John A. Pillar
JOHN A. PILLAR

sw
Enclosure
cc: Daniel R. Koebler (w/encl.)

**DOCUMENT
FOLDER**

DOCKETED
AUG 16 1994

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: APPLICATION OF)
 DANIEL R. KOEBLER) Docket No. A-00111425
)

PROTEST

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier(s) named herein desire(s) to protest the above application and, in support thereof, state(s) as follows:

1. A copy of the application as published in the Pennsylvania Bulletin is attached hereto as Appendix "A".

2. The name and address of the protestant(s) are set forth in Appendix "B" hereto.

3. The name, address and telephone number of protestant(s)' attorney:

PILLAR AND MULROY, P.C.
Suite 700
312 Boulevard of the Allies
Pittsburgh, PA 15222
(412) 471-3300

4. Protestant(s) hold(s) authority in conflict with this

application as summarized in Appendix "B" attached hereto. A true and correct copy of the pertinent portions of authority held by protestant(s), or a summary thereof, is attached hereto as Appendix "C".

5. Protestant(s) is/are presently providing service in the application area and/or is/are willing and able to provide such service. To the extent of protestant(s) authority, there is no need or demand for additional service and the proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public. Diversion of traffic and loss of revenues in connection with the transportation proposed by applicant will be so seriously detrimental to protestant(s) so as to have a substantial adverse impact upon the public or may result in destructive competition.

6. Protestant(s) hereby request(s) that the application be set for oral hearing. If an oral hearing is held, protestant(s) represent(s) that it/they will appear and present evidence pertinent to the application.

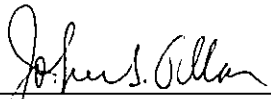
7. Pursuant to Section 333(c) of the Public Utility Code (66 Pa. C.S.A. Sec. 333(c)), protestant(s) hereby request(s) a list of the witnesses expected to testify in the above entitled proceeding, together with the subject matter of their anticipated testimony and, in particular, any complaints or any evidence pertaining to the service of the protestant(s).

8. If a restrictive amendment will satisfy the interest(s)

of protestant(s), a proposed amendment is attached hereto as Appendix "D".

Respectfully submitted,

PILLAR AND MULROY, P.C.

By: 

JOHN A. PILLAR
Attorney for Protestant(s)

Due Date: August 15, 1994

A-00111425. Daniel R. Koebler (701 E. Main St. Extension, Grove City, Mercer County, PA 16127)—persons, in limousine service, between points in the counties of Butler and Mercer.

PENNSYLVANIA BULLETIN

July 23, 1994

APPENDIX "B"

**Re: DANIEL R. KOEBLER
Docket No. A-00111425**

The foregoing protest to the above application is filed on behalf of:

GOLD CROSS LIMOUSINE OF PA., INC.
19 Spring Street
Struthers, OH 44471

Gold Cross Limousine of Pa., Inc. holds authority from this Commission at Docket No. A-00107205. As pertinent to the application involved herein, Gold Cross is authorized to transport persons, in limousine service, between points in Mercer County, and from points in Mercer County, to points in Pennsylvania, and return. The authority held by Gold Cross is more fully set forth in Appendix "C" hereto.

EXTRA COPY

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 17, 1987

Commissioners Present:

Bill Shane, Chairman
Linda C. Taliaferro
Frank Fischl
William H. Smith

Application of Gold Cross Limousine of Pa., Inc., a corporation of the State of Ohio, for the right to begin to transport, as a common carrier, by motor vehicle, persons in limousine service, between points in the counties of Crawford and Mercer, and from points in said counties to points in Pennsylvania, and return; excluding the borough of Monaca, Beaver County.

A-00107205

James H. Stewart, Jr., and Christian V. Graf for the applicant.
McNees, Wallace & Nurick, by Herbert R. Nurick for protestant,
Connolly's Limousine Service, Inc.
Leahey & Gvozdich, by Francis J. Leahey for protestant, James N. McNulty.
Prather, Prather & Pineo, by William Pineo for protestant, Roland Curtis
Lawrence, t/d/b/a Lawrence's Limousine Service.
Henninger & Robinson, by Kenneth D. Perkins for protestant, Cultural
Studies Academy, Inc.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on October 31, 1986, and published in the Pennsylvania Bulletin of November 29, 1986. Additional public notice was given in the Meadville Tribune and the Sharon Herald, newspapers of general circulation in the counties of Crawford and Mercer.

Four carriers protested the application. One carrier withdrew upon reconsideration of its interest in the matter. The three remaining protestants withdrew when the applicant submitted a restrictive amendment.

As amended, the applicant has eliminated the county of Crawford in its entirety; eliminated the transportation of Conrail employees for Conrail; and prohibits the rendering of airport transfer service from a specified area of Mercer County to the Greater Pittsburgh International Airport in Allegheny County.

The unopposed record is now certified to the Commission for its decision without oral hearing. Verified statements were submitted by the applicant and eighteen supporting parties.

Daniel H. Becker, principal stockholder and president of Gold Cross Limousine of Pa., Inc. (or applicant), sets forth in a verified statement that the corporation is a newly-formed Ohio corporation and has been qualified to conduct business in Pennsylvania as a foreign corporation on October 31, 1986. It is headquartered at 11 Spring Street, Strouthers, Ohio, with facilities in Pennsylvania located at Hermitage, Greenville and Sharon, Mercer County.

The applicant does not hold any other authority from this Commission and it is not affiliated with other certificated carriers operating in Pennsylvania. It is affiliated with Gold Cross Ambulance Service which provides ambulance service in Ohio and Pennsylvania.

The facility in Hermitage is operated under lease arrangements while the Greenville and Sharon facilities are owned by an affiliated company and available to the applicant on an "as needed" basis. It would begin operations under the proposed service with four 1986 Cadillac stretch limousines having seating capacities for nine passengers each. They will be leased on long-term arrangements from a company owned by the applicant witness known as Mardanco, Inc. The equipment will be kept in safe operating condition at all times and driven by qualified Pennsylvania operators.

In its position as a relatively new corporation, the applicant submitted an opening balance sheet which shows that it has current assets of \$10,000 in cash with liabilities in the form of a note payable of \$9,250, leaving shareholders' equity of \$750. Any additional start-up costs will be advanced to the applicant by the witness.

Kim Miller, assistant manager of National Record Mart located in Hermitage, Mercer County, supports the application and attests to a desire for limousine service on a personal basis as well as for business purposes in promoting record sales. She would use the proposed service one to two times a month.

Kay Ashmore is secretary of the Pittsburgh Hearing Aid Company, Hermitage, Mercer County. She supports the application and states that the service would prove useful in her business of sales and servicing of hearing aids. She feels it would be particularly useful between her office and the local airports.

Gary A. Valenly is the manager of Radio Shack store located in Sharpsville, Mercer County, and would have use for limousine service to and from local airports in the Shenango Valley area of Mercer County.

Carolyn Dallas, business manager for Castle Stationery Co., Hermitage, Mercer County, supports the application. The service would be useful to her for marketing large accounts in her business.

Angela Dye is the owner of Wil Mar School of Cosmetology located in Sharon, Mercer County, and states that she would have use for limousine service once a month.

Jacque McClelland is owner of MaGoffin Guest House in Mercer, Mercer County, and supports the application. The service would be useful in transporting guests of the bed and breakfast facility. It could be used as much as twelve times a year.

Verna D. Smith, general manager of Holiday Inn, Hermitage, Mercer County, attests to a need for limousine service for guests of the facility. The destinations would vary but would encompass a large area of western Pennsylvania in particular.

H. Tonks is coordinator of security for Sharon Steel Corp., Sharon, Mercer County, and states that the company could use the service four to five times a month for customer relations, company executive use, and for others, to and from local offices.

Mr. and Mrs. Darryl L. Clark are members of the Mercer Area Band Boosters, the PTA and Parent-Student Activities Committee of the Mercer High School. Limousine service would be used for prom and after-prom activities, homecoming activities, graduation, and other school functions. It would also be useful for the parents for personal reasons such as anniversaries and weddings.

Frank Ammaturo is general manager of the Sheraton Inn located in Shenango, Mercer County. He sets forth in a verified statement that the facility caters to a great deal of corporate business functions wherein considerable need exists for a limousine type of service.

Eight other residents and individuals representing a variety of business interests in Mercer County have entered supporting verified statements.

DISCUSSION AND FINDINGS

By this amended application, Gold Cross Limousine of Pa., Inc., seeks a common carrier certificate which would give it the right to render limousine service between points in Mercer County, and from points in Mercer County, to points in Pennsylvania and return. Certain restrictions of service have been imposed by amendment which have been noted elsewhere herein.

We have a problem with the condition which prohibits the applicant from rendering airport transfer service to the Greater Pittsburgh International Airport. The limousine service proposed here differs from the services authorized in airport transfer operations. Although limousine service operators are not precluded from making trips to an airport, the method of operations in the two types of services are distinct as described in the provisions contained at 52 Pa. Code §29.332 and §29.342. In order to eliminate any margin for confusion, reference to "airport transfer" service will be eliminated from the restriction against service to the Greater Pittsburgh International Airport.

We believe the applicant is qualified to provide the service. The applicant has immediate access to four limousines consisting of six door, nine passenger Cadillacs. They have luxury appointments such as driver partitions for customer privacy, bar and ice facilities, individual passenger heating and air conditioning levels, and radio and stereo entertainment. The applicant would cater to weddings, funerals, receptions, dinner theater parties, etc. It has knowledge of the limousine business and the safety rules and regulations of this Commission.

The applicant is ably supported by eighteen individuals and business representatives of Mercer County which we find adequate to support the county-wide service proposed. Their needs will be satisfied by the applicant's intent to serve them 24 hours a day, 7 days a week.

We find:

1. That a public need for the proposed service as amended and modified does exist.
2. That the applicant is fit, ready, willing and able to provide the service as proposed, amended and modified.
3. That approval of the application as amended and modified is necessary for the accommodation and convenience of the public;
THEREFORE,

IT IS ORDERED: That the application be and is hereby approved as amended and modified, granting the applicant the following right:

To transport, as a common carrier, persons in limousine service, between points in the county of Mercer, and from points in said county to points in Pennsylvania and return;

subject to the following conditions:

1. That no right, power or privilege is granted to provide service to points in the borough of Monaca, Beaver County.

2. That no right, power or privilege is granted to transport employees of Consolidated Rail Corporation for said corporation, from points in Mercer County.
3. That no right, power or privilege is granted to render service from points in Mercer County that are located within an airline distance of twenty-five (25) statute miles of the limits of the borough of Slippery Rock, Butler County, to the Greater Pittsburgh International Airport in Allegheny County.
4. That the applicant shall comply with the provisions set forth in 52 Pa. Code §29.332, §29.333 and §29.334.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.

IT IS FURTHER ORDERED: That in the event the 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.

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.

BY THE COMMISSION,

Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 17, 1987

ORDER ENTERED: SEP 28 1987

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120

Public Meeting held September 13, 1990

Commissioners Present:

William H. Smith, Chairman
Joseph Rhodes, Jr.
Frank Fischl
David W. Rolka

Application of Gold Cross Limousine of
PA, Inc., a corporation of the State of
Ohio, for the additional right to trans-
port as a common carrier by motor vehicle,
persons in paratransit service, between
points in the county of Mercer, and from
points in said county, to points in Pennsyl-
vania, and return.

A-00107205
F. 2

Pillar and Mulroy, by John A. Pillar for the applicant.

O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application filed on April 23, 1990, and published in the Pennsylvania Bulletin of May 19, 1990. There are no protests and the record is now certified to the Commission for its decision without oral hearing. Verified statements were submitted by the applicant and six supporting parties.

The applicant was granted emergency temporary authority to provide the proposed service, albeit limited to the use of wheelchair lift vans, by our order adopted on May 24, 1990. An application for temporary authority is pending. Due to our action on the immediate application for permanent authority, the temporary authority application will be dismissed.

Ron Butler is the general manager of Gold Cross Limousine of PA, Inc. (or applicant) which is an Ohio corporation with its principal place of business located at 19 Spring Street, Struthers, Ohio, 44471. He sets forth in a verified statement that the applicant has three facilities in Mercer County, PA, namely, Grove City, Greenville and Hermitage. Each facility is open 24 hours per day, seven days a week for emergency services.

The applicant currently holds authority at Folder 1 which authorizes it to provide limousine service between points in Mercer County, and from Mercer County to points in Pennsylvania. It does not hold paratransit authority as is proposed in this application, other than that granted in the emergency temporary authority order of May 24, 1990. The applicant has no affiliation with other carriers.

The applicant has access to five wheelchair lift vans which will be made available in Mercer County as the need arises. They are standard size Ford, Chevrolet or Dodge vans equipped with hydraulic lifts and fitted to carry from one to three wheelchair patients, and at least two seated passengers plus the driver.

Each of the three Mercer County facilities consist of an office, a garage, and approximately 20 employees. The service involved here will be made available to the public on an advanced reservation basis. The central dispatch is located in Struthers, Ohio, through which all service calls are channeled. In turn, it notifies the closest facility in Mercer County to provide the requested service.

The applicant's annual report for 1989 shows that it had total assets of \$5,211 with total liabilities of \$96, leaving stockholders' equity of \$5,115. The income statement reveals that the applicant generated Pennsylvania limousine authority revenue of \$5,190 and realized a net operating income of \$2,240.

Sally J. Bailey is manager of Greenville House Apartments located in Greenville, Mercer County, and supports the applicant. She states that she has residents who cannot travel by autobus due to physical limitations, but who can travel in specialized seating vehicles. The proposed service would be ideal for transportation to hospitals, rehabilitation centers, etc., which are located in Mercer County and other points such as Franklin, Butler, Pittsburgh, Erie, Philadelphia, Harmerville and Harrisburg.

Doris J. Alexander is executive director of the Mercer County Unit of the American Cancer Society and states that the proposed service would be very useful for patients whose physical limitations require transportation in specialized vehicles. She states there is no service currently available in the Mercer County area that can accommodate wheelchairs or that are staffed with emergency medical technicians. She states further that the applicant is the county's largest provider of emergency medical services and the additional service it proposes to provide in this application would be very accommodating.

Mary C. Gray is administrator of Grove Manor located in Grove City, Mercer County, which has residents who could have need for the proposed type of service. The senior citizens, the handicapped and other persons would benefit very much if a paratransit service became available. The Home will use it for transporting such residents to hospitals, rehabilitation centers or other places throughout Mercer County, and places such as Pittsburgh, Butler, Erie, Philadelphia, Harrisburg, etc.

G. Bryan Oros is administrator for St. Paul Homes located in Greenville, Mercer County, and states that residents of the facility, especially the elderly and/or the handicapped would use the service frequently. There are those residents who have need for transportation in raised top vans with hydraulic wheelchair lifts. The applicant is capable of providing all of the types of service required.

Janet Edwards is administrator for Gilmore's White Cliff, a nursing home in Greenville, Mercer County, and supports the application. She has patients who are unable to travel by local transit means, but would find the vehicles used by the applicant to be ideal for transportation to hospitals, dentists' offices, doctors' offices, or for any other number of purposes.

Joanne L. Schlup is administrator of Shenañgo Inn Personal Care Home located in Sharon, Mercer County. She supports the applicant and states that the residents presently use Mercer County Transit Authority carriers for transportation to medical facilities. However, there are situations in which it would be necessary to have certified medical technicians assist in transporting certain clients. The applicant can furnish such assistance and is available at all times. The Mercer County Transit Authority carriers are available only on Monday through Friday, 8:00 a.m. to 5:00 p.m.

DISCUSSION AND FINDINGS

Gold Cross Limousine of PA, Inc., seeks authority to provide paratransit service between points in Mercer County, and from points in Mercer County, to points in Pennsylvania, and return. This service will supplement the limousine service it is currently authorized to provide in the same territory.

The six supporting organizations which cater to the elderly and handicapped have been convincing in their showing of need for a paratransit type of service. We believe the applicant is well qualified to provide it.

We find:

1. That the applicant has shown that a public need for the proposed service does exist.
2. That the applicant is fit, ready, willing and able to provide the proposed service.
3. That approval of the application is necessary for the accommodation and convenience of the public; THEREFORE,

IT IS ORDERED: That the application be and is hereby approved and that a certificate be issued granting the applicant the right to operate as follows:

To transport, as a common carrier, persons in paratransit service, between points in

Mercer County, and from points in said county,
to points in Pennsylvania, and return.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted herein until it shall have complied with the requirements of the Pennsylvania Public Utility Code and the rules and regulations of the Commission relative to the filing and acceptance of a tariff establishing just and reasonable rates.


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

IT IS FURTHER ORDERED: That in the event the 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.

IT IS FURTHER ORDERED: That the pending application for temporary authority be and is hereby dismissed.

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.

BY THE COMMISSION,



Jerry Rich
Secretary

(SEAL)

ORDER ADOPTED: September 13, 1990

ORDER ENTERED: **SEP 19 1990**

APPENDIX "D"

**Re: DANIEL R. KOEBLER
Docket No. A-00111425**

Protestant, Gold Cross Limousine of Pa., Inc., will consider withdrawing its opposition to the within application, if the application is amended to exclude Mercer County.

LAW OFFICES

VUONO, LAVELLE & GRAY

2310 GRANT BUILDING

PITTSBURGH, PA. 15219-2383

(412) 471-1800

JOHN A. VUONO
WILLIAM J. LAVELLE
WILLIAM A. GRAY
MARK T. VUONO *
RICHARD R. WILSON
DENNIS J. KUSTURISS
CHRISTINE M. DOLFI
PETER J. SCANLON

TELECOPIER
(412) 471-4477

August 31, 1994

* ALSO MEMBER OF FLORIDA BAR

Re: Daniel R. Koebler
Docket No. A-00111425

Mr. John G. Alford, Secretary
Pennsylvania Public Utility Commission
North Office Building
P.O. Box 3265
Harrisburg, PA 17105-3265

RECEIVED
94 SEP -2 AM 8:34
PA. P. U. C. DIV.
INFO. CONTROL DIV.

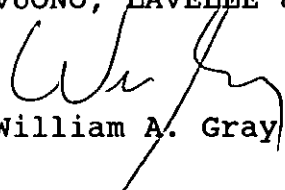
Dear Mr. Alford:

We enclose for filing a Certificate of Service of Interrogatories Directed to Applicant in connection with the above-captioned application proceeding. The original and two (2) copies of the Interrogatories were served upon the Applicant today by first class mail.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed, stamped envelope provided.

Very truly yours,

VUONO, LAVELLE & GRAY


William A. Gray

rm

Enclosure

cc: Star Limousine Service, Inc.
White Knight Limousine Service

DOCUMENT
FOLDER

12

Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE:)
Application of)
DANIEL R. KOEBLER) Docket No. A-00111425

CERTIFICATE OF SERVICE OF INTERROGATORIES
DIRECTED TO THE APPLICANT

William A. Gray, attorney for Protestants, Star Limousine Service, Inc. and Donald Garrett Rebmann, t/d/b/a White Knight Limousine Service, hereby certifies that on the 31st day of August, 1994, he did serve the original and two (2) true and correct copies of the foregoing Interrogatories upon Donald R. Koebler, by first class mail, postage prepaid, at 701 E. Main Street Extension, Grove City, PA 16127.



William A. Gray

ORIGINAL

Sept. 12, 1994

Pa. P.U.C.
P. O. Box 3265
Harrisburg, Pa.
17120

Re: Docket # A-00111425

Dear Sir,

As of this date (Sept. 12, 1994) I have decided to currently withdraw my application to obtain a P.U. C. licence.

Sincerely,

Mr. Dan Koebler
Mr. Dan Koebler
701 E. Main St. Exten.
Grove City, Pa.
16127
(412) 458-1669

DOCKETED
SEP 20 1994

PAUC

PAUC

SEP 15 9:57
INFO. CONTROL DIV.

DATE: September 29, 1994

SUBJECT: A-00111425 - Application of Daniel Koebler

TO: Joyce McGrady, Supervisor
Secretary's Bureau, Filing and Assignment Unit

FROM: Janice Zurat, Scheduling Officer
Office of Administrative Law Judge

On September 12, 1994 a Petition for Leave to Withdraw was filed in the above-captioned proceeding by applicant. If no objection is filed to this petition within ten (10) days of service pursuant to 52 Pa., Code 5.94, this proceeding will be closed at that time.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

ATTACHMENT

cc: Michael Ciarvella
Janice Zurat, Scheduling Officer

RECEIVED
SEP 29 1994 9:31
OFFICE OF ADMINISTRATIVE LAW JUDGES
HARRISBURG, PA.

DOCKETED
OCT 14 1994

**DOCUMENT
FOLDER**