

18TH DISTRICT
SENATOR JOSEPH M. ULIANA

SENATE BOX 203018
459 MAIN CAPITOL BUILDING
HARRISBURG, PA 17120-3018
(717) 787-4236 FAX (717) 783-1257

BETHLEHEM OFFICE
2 BETHLEHEM PLAZA, SUITE 102
BETHLEHEM, PA 18018
(610) 865-7725 FAX (610) 861-2184

STROUDSBURG OFFICE
553 MAIN STREET, GROUND FLOOR
KRAWITZ PROFESSIONAL BUILDING
STROUDSBURG, PA 18360
(717) 424-3979 FAX (717) 424-3983

E-MAIL: juliana@pasen.gov



Senate of Pennsylvania

April 7, 1998

COMMITTEES

URBAN AFFAIRS AND HOUSING, CHAIRMAN
CONSUMER PROTECTION & PROFESSIONAL
LICENSURE, VICE CHAIRMAN
APPROPRIATIONS
COMMUNICATIONS & HIGH TECHNOLOGY
PUBLIC HEALTH & WELFARE

43237

Pennsylvania Public Utility Commission
Mr. Robert Frazier
Prothonotary Office,
North Office Building, P.O. Box 3265
Harrisburg, PA 17105-3265

Dear Mr. Frazier,

I am forwarding a petition from Mr. Richard Seruga of Lehigh Valley Taxicab Co., Inc. protesting the application of rights to Mr. Earl Bierman. Mr. Seruga has also forwarded this application to Secretary John Alford via certified mail.

If any problems arise, please feel free to contact me at (610) 865-7725. Thank you for your assistance.

Sincerely,

James H. Schantz
Field Representative,
State Sen. Joseph M. Uliana
Commonwealth of Pennsylvania

RECEIVED
PROTHONOTARY'S OFFICE
58 APR 15 AM 11:13

11 11 7:00

73

**RICHARD S. SERUGA SR., PRESIDENT
LEHIGH VALLEY TAXICAB CO., INC.
130 W. Goepp Street
Bethlehem, PA 18018
Phone number (610) 867-6242**

143238

**FORMAL PROTEST OF APPLICATION
BEFORE THE PUBLIC UTILITY COMMISSION**

Mr. John Alford
Secretary Bureau
Public Utility Commission
Room G-23
North Office Building
Harrisburg, PA

RECEIVED
PROTHONOTARY'S OFFICE

98 APR 15 AM 11:13

Dear Secretary Alford,

My name is Richard S. Seruga, President of Lehigh Valley Taxicab Co. Inc.. I would like to file a formal protest to the application of Earl Bierman--Application A. 00114754.

Nature of my protest

I would like to protest the application filed by Earl Bierman for rights to transport passengers to the Allentown-Bethlehem-Easton Airport (known as Lehigh Valley International Airport). These rights have been granted by the Public Utility Commission to my company, Lehigh Valley Taxicab Co., Inc., folder 4. My rights read as follow: "To transport persons, in airport transfer service, between Allentown-Bethlehem-Easton Airport (known as Lehigh Valley International Airport) in the township of Hanover, Lehigh County, and points within an airline distance of 50 statute miles of the limits of said airport, subject to the following conditions: 1- that all said transportation must either originate or terminate at the above named airport." I feel the issuance of rights to Earl Bierman would infringe on the rights already granted to my company and would have an adverse economic impact upon my business.

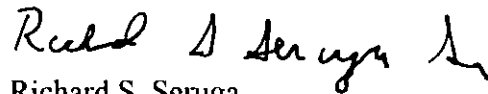
APR 15 1998

At this time, I ask the Public Utility Commission to exclude the Lehigh Valley International Airport from the application filed by Earl Bierman.

It is my understanding that this document must be filed with the Public Utility Commission within 15 days of the posted date of application published in the Pennsylvania bulletin. I understand my protest must conform with a manner and style outlined in 52 PA Code sections 3.381(c)(1) and 5.51.

If any further information is required, please contact me immediately at (610) 867-6242. Thank you for your consideration of this matter.

Sincerely,



Richard S. Seruga,
President

Lehigh Valley Taxicab Co., Inc.

THIS MUST BE COMPLETED BY NOTARY PUBLIC
AFFIDAVIT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA

_____ County

ss:

_____, being duly sworn (affirmed) according to law, deposes
and says that the facts above set forth are true and correct; or are true and correct to the best of his knowledge,
information and belief and he expects to be able to prove the same at the hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____

day of _____ 19 _____

My Commission Expires _____

Signature of Official Administering Oath

AFFIDAVIT (Corporation)

COMMONWEALTH OF PENNSYLVANIA

_____ County

ss:

Richard S. Seruga Sr., being duly sworn (affirmed) according to law, desposes
and says that he is President of Lehigh Valley Taxicab Co., Inc.
(Office of Affiant)

_____; that he is authorized to and does make this affidavit
(Name of Corporation)

for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge,
information and belief and he expects the said Lehigh Valley Taxicab Co., Inc.

_____ to be able to prove the same at the hearing hereof.
(Name of Corporation)

Richard S. Seruga Sr.
Signature of Affiant

Sworn and subscribed before me this 8th

day of April 19 98

My Commission Expires _____

Notarial Seal
Cynthia S. Fries, Notary Public
Bethlehem, Lehigh County
My Commission Expires April 29, 2000

Cynthia S. Fries
Signature of Official Administering Oath

RECEIVED

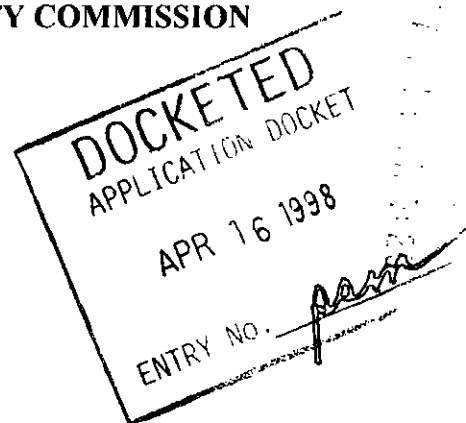
APR 8 1998

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

**RICHARD S. SERUGA SR., PRESIDENT
LEHIGH VALLEY TAXICAB CO., INC.
130 W. Goepp Street
Bethlehem, PA 18018
Phone number (610) 867-6242**

**FORMAL PROTEST OF APPLICATION
BEFORE THE PUBLIC UTILITY COMMISSION**

Mr. John Alford
Secretary Bureau
Public Utility Commission
Room G-23
North Office Building
Harrisburg, PA



Dear Secretary Alford,

My name is Richard S. Seruga, President of Lehigh Valley Taxicab Co. Inc.. I would like to file a formal protest to the application of Earl Bierman--Application A. 00114754.

Nature of my protest

I would like to protest the application filed by Earl Bierman for rights to transport passengers to the Allentown-Bethlehem-Easton Airport (known as Lehigh Valley International Airport). These rights have been granted by the Public Utility Commission to my company, Lehigh Valley Taxicab Co., Inc., folder 4. My rights read as follow: "To transport persons, in airport transfer service, between Allentown-Bethlehem-Easton Airport (known as Lehigh Valley International Airport) in the township of Hanover, Lehigh County, and points within an airline distance of 50 statute miles of the limits of said airport, subject to the following conditions: 1- that all said transportation must either originate or terminate at the above named airport." I feel the issuance of rights to Earl Bierman would infringe on the rights already granted to my company and would have an adverse economic impact upon my business.

At this time, I ask the Public Utility Commission to exclude the Lehigh Valley International Airport from the application filed by Earl Bierman.

It is my understanding that this document must be filed with the Public Utility Commission within 15 days of the posted date of application published in the Pennsylvania bulletin. I understand my protest must conform with a manner and style outlined in 52 PA Code sections 3.381(c)(1) and 5.51.

If any further information is required, please contact me immediately at (610) 867-6242. Thank you for your consideration of this matter.

Sincerely,

Richard S. Seruga,
President
Lehigh Valley Taxicab Co., Inc.

THIS MUST BE COMPLETED BY NOTARY PUBLIC
AFFIDAVIT (Natural Person)

COMMONWEALTH OF PENNSYLVANIA

_____ County

} ss:

_____, being duly sworn (affirmed) according to law, deposes and says that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects to be able to prove the same at the hearing hereof.

Signature of Affiant

Sworn and subscribed before me this _____

day of _____ 19 _____

My Commission Expires _____

Signature of Official Administering Oath

AFFIDAVIT (Corporation)

COMMONWEALTH OF PENNSYLVANIA

_____ *Lehigh* County

} ss:

Richard S. Seruga Sr., being duly sworn (affirmed) according to law, deposes and says that he is President of Lehigh Valley Taxicab Co., Inc.
(Office of Affiant)

_____; that he is authorized and does make this affidavit
(Name of Corporation)

for it; and that the facts above set forth are true and correct; or are true and correct to the best of his knowledge, information and belief and he expects the said Lehigh Valley Taxicab Co., Inc.

_____ to be able to prove the same at the hearing hereof.
(Name of Corporation)

Richard S. Seruga Sr.

Signature of Affiant

Sworn and subscribed before me this 8th

day of April 19 98

My Commission Expires _____

Notary Seal
Cynthia S. Fitch, Notary Public
Berthelton, Lehigh County
My Commission Expires April 29, 2000

Cynthia S. Fitch

Signature of Official Administering Oath

**SCHNADER HARRISON
SEGAL & LEWIS LLP**

ATTORNEYS AT LAW

SUITE 3600 ■ 1600 MARKET STREET ■ PHILADELPHIA, PENNSYLVANIA 19103-7286

215-751-2000 ■ FAX: 215-751-2205

<http://www.shsl.com>

William M. Barnes
Direct Dial: 215-751-2486
Internet Address: William_Barnes@shsl.com

April 24, 1998

UPS Next Day Air

Prothonotary
Pennsylvania Public Utility Commission
P. O. Box 3265
North Office Building, Room G-18
North Street and Commonwealth Avenue
Harrisburg, Pennsylvania 17120

RECEIVED

APR 24 1998

PA PUBLIC UTILITY COMMISSION
PROTHONOTARY'S OFFICE

Re: **Application of Earl Bierman**
Docket No. A-00114754

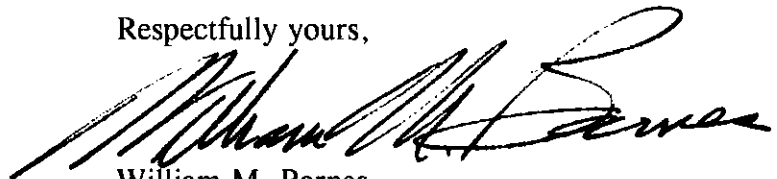
Dear Sir:

Enclosed herewith for filing are an original and two copies of the Protest of Tropiano Airport Shuttle, Inc., to the above permanent authority application.

Service of this protest has been made in accordance with the certificate of service attached to the protest.

Kindly acknowledge receipt of this protest on the enclosed copy of this letter, and return it to the undersigned in the enclosed, self-addressed, stamped envelope.

Respectfully yours,



William M. Barnes

For SCHNADER HARRISON SEGAL & LEWIS LLP

Enclosures

cc: Earl Bierman
Nicholas I. Tropiano

ORIGINAL

48

3. Name, business address and telephone number of protestant's attorney: _____

William M. Barnes
Schnader Harrison Segal & Lewis LLP
1600 Market Street, Suite 3600
Philadelphia, Pennsylvania 19103
(215) 751-2486

4. The applicant seeks the following authority:

The right to transport, as a common carrier, persons in airport transfer service, from points in the borough of New Hope, Bucks County, and within 20 statute miles of the limits of the said borough, to the Philadelphia International Airport in the city and county of Philadelphia and the township of Tinticum, Delaware County, and the Allentown-Bethlehem-Easton Airport in the county of Lehigh.

5. Nature of protestant's interest in application and adverse impact on protestant: _____

Protestant holds authority from the Pennsylvania Public Utility Commission at A-00110899 to transport, as a common carrier, persons, in airport transfer service, from points in the counties of Bucks, Chester, Delaware, and Montgomery, to the Philadelphia International Airport, located in the city and county of Philadelphia and the township of Tinticum, Delaware County, subject to certain restrictions. A copy of this authority is attached hereto as Exhibit "A."

Adverse Impact

The service proposed by applicant will be competitive with and detrimental to the existing services of Tropiano Airport Shuttle, Inc., protestant herein. Protestant provides a full range of airport transfer service in the counties of Bucks, Chester, Delaware, and Montgomery within its authority and included in the area sought to be served by applicant. The diversion of revenues from protestant would be detrimental and contrary to the public interest. Approval of this application would endanger and impair the operations of existing carriers, such as the protestant, to an extent that, on balance such approval would be contrary to the public interest. The service proposed by applicant is not necessary or proper for the service, accommodation, convenience, or safety of the public in view of the existing and adequate services of this

protestant and other carriers. Further, protestant challenges the fitness of applicant to perform the proposed service.

6. Proposed Restriction

There is no amendment to the application that would satisfy the interest of this protestant.

7. Identification of Witnesses and Subject Matter of Testimony

In accordance with the provisions of Section 333(c) of the Public Utility Code, 66 Pa. C.S. § 333(c), demand is made upon applicant to furnish all parties of record with the names and addresses of witnesses applicant expects to call to testify and the subject matter of their expected testimony.

WHEREFORE, Tropiano Airport Shuttle, Inc., respectfully prays that this application be dismissed.

Respectfully submitted,

TROPIANO AIRPORT SHUTTLE, INC.

By 

William M. Barnes
Attorney for Protestant,
Tropiano Airport Shuttle, Inc.

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held June 16, 1994

Commissioners Present:

David W. Rolka, Chairman
Joseph Rhodes, Jr., Vice-Chairman
John M. Quain
Lisa Crutchfield
John Hanger

Application of Troplano Airport Shuttle, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, by motor vehicle, persons, in airport transfer service, from points in the counties of Philadelphia, Bucks, Chester, Delaware and Montgomery, to the Philadelphia International Airport, located in the city and county of Philadelphia and the township of Tinicum, Delaware County.

A-00110899

William M. Barnes for the applicant.
Burton Neil for the protestant, John H. Norcross, Jr. t/d/b/a Paoli Airport Limousine Service.
Raymond A. Thistle, Jr., for the protestant, Best Limousine Co., Inc.
Rand Spear for the protestants, Lady Liberty Transportation Co., Inc., and Penn Express Transportation, Inc.
Edward Ciemniecki for the protestant, Philadelphia Airport Shuttle, Inc.

O R D E R

* * * * *

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

To transport as a common carrier, persons, in airport transfer service, from points in the counties of Bucks, Chester, Delaware and Montgomery, to the Philadelphia International Airport, located in the city and county of Philadelphia and the township of Tinicum, Delaware County;

Exhibit "A"

transportation between the airport and various hotels in the counties of Bucks, Chester and Montgomery.

Gary Johnson, owner of American Business Services (ABS), testified in support of this amended application (Tr.102-116). This company installs modular office furniture throughout the country. ABS requires airport transfer service between PIA and its offices in Warminster, Bucks County, various employee residences in Bucks County, and various hotels in Montgomery County. Approximately forty trips per year are anticipated.

Leigh Giacomini, a resident of Croydon, Bucks County, testified in support of this amended application (Tr.117-129). This witness testified to the need for airport transfer between her home and PIA. Last year she required such service four times.

Samuel Danzig, owner of Danzig Office Supply, testified in support of this amended application (Tr.13-30). Danzig resides in Plymouth Meeting and his business is located in Conshohocken, both in Montgomery County. He requires airport transfer service between these two points and PIA for personal and business purposes.

Michael T. Diresio, ground transportation supervisor for Rhone Poulenc Rorer Pharmaceuticals (RPR), testified in support of this amended application (Tr.196-232). RPR offices are located in Collegeville, Montgomery County, and moves approximately 600 people per month between PIA and its offices, employees' homes and various hotels in the counties of Chester, Delaware and Montgomery.

After a complete review of the record before us, we find that:

1. The applicant has demonstrated that there is a public need for the proposed service, as amended.
2. That the applicant possesses the necessary equipment, experience, and financial capacity to perform the proposed service, as amended.
3. The sole officer and shareholder of the applicant and Tropiano Transportation Service, Inc., has agreed to the cancellation of its airport transfer authority at A-00105977, Folder 3.
4. Approval of the application, as amended, is necessary for the accommodation and convenience of the public; THEREFORE,

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

To transport as a common carrier, persons, in airport transfer service, from points in the counties of Bucks, Chester, Delaware and Montgomery, to the Philadelphia International Airport, located in the city and county of Philadelphia and the township of Tinicum, Delaware County;

subject to the following conditions:

1. That no right, power or privilege is granted to perform transportation (1) to or from the townships of Radnor, Marple and Haverford, Delaware County, the township of Lower Merion, Montgomery County, and the Philadelphia International Airport, located in the city and county of Philadelphia and the township of Tinicum, Delaware County, and (2) from points in that portion of the townships of Tredyffrin, Chester County, and Radnor, Delaware County, bounded by beginning at the intersection of Lancaster Pike (U.S. Highway Route 30) and Valley Forge Road, thence southeastwardly along Valley Forge Road to its intersection with Sugartown Road to its intersection with Lancaster Pike (U.S. Highway Route 30) to the point of beginning, including points on the aforesaid boundaries, to the Philadelphia International Airport located in the city and county of Philadelphia and the township of Tinicum, Delaware County, and vice versa.
2. That no right, power or privilege is granted to perform transportation to or from the borough of Malvern and the townships of Willistown and East Whiteland, Chester County, and the borough of Media and the township of Newtown, Delaware County.
3. That no right, power or privilege is granted to provide service to or from those points in Chester County south of a line extending along Route 926 (Street Road) beginning at the Delaware County/Chester County line and extending westerly to the intersection of Routes 926 and 10, thence southerly on Route 10 to the intersection of Routes 10 and 896, and thence westerly on 896 to the Chester County/Lancaster County line and to or from those points in Delaware County in the townships of Birmingham, Thornbury, Concord, Bethel, Upper Chichester, Lower Chichester and the borough of Marcus Hook.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation granted in this application 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 above set forth, a certificate issued 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 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 upon compliance with the conditions set forth above, the certificate and rights held by Tropiano Transportation Service, Inc., at A-00105977, Folder 3, be and are hereby cancelled by supplemental order.

BY THE COMMISSION,


John G. Afford
Secretary

(SEAL)

ORDER ADOPTED: June 16, 1994

ORDER ENTERED: JUN 22 1994

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on 24th day of April, 1998, he served a copy of the foregoing protest upon applicant as indicated below, by placing a copy thereof with the United States Postal Service, first-class postage, prepaid:

Earl Bierman
186 North Main Street
New Hope, PA 18938

A handwritten signature in cursive script, appearing to read "William M. Barnes".

William M. Barnes
Attorney for Protestant,
Tropiano Airport Shuttle, Inc.

PROTEST DUE: April 27, 1998



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

IN REPLY PLEASE
 REFER TO OUR FILE

June 3, 1998

In Re: **A-00114754**

(See attached list)

Application of Earl Bierman

For the right to begin to transport, as a common carrier, by motor vehicle, persons in airport transfer service from points in the borough of New Hope, Bucks County, and points within an airline distance of twenty (20) statute miles of the limits of said borough, to the Philadelphia International Airport in the city and county of Philadelphia, and the township of Tinicum, Delaware County, and the Allentown-Bethlehem-Easton Airport in the county of Lehigh.

Hearing Notice

This is to inform you that a hearing on the above-captioned case will be held as follows:

Type: **Initial**

Date: **Friday, July 31, 1998**

Time: **10:00 a.m.**

Location: **In an available hearing room
 Philadelphia State Office Building
 Broad and Spring Garden Streets
 Philadelphia, Pennsylvania**

Presiding: **Administrative Law Judge Allison K. Turner
 1302 Philadelphia State Office Building
 Broad and Spring Garden Streets
 Philadelphia, PA 19130
 Telephone: (215) 560-2105**

150925

RECEIVED
 SECRETARY'S BUREAU
 98 JUN -4 AM 11:06

DOCKETED

JUN 04 1998

DOCUMENT
 FOLDER

EEF

JW

Attention: You may lose the case if you do not come to this hearing and present facts on the issues raised.

If you intend to file exhibits, 2 copies of all hearing exhibits to be presented into evidence must be submitted to the reporter. An additional copy must be furnished to the Presiding Officer. A copy must also be provided to each party of record.

Except for those individuals representing themselves, the Commission's rules require that all parties have an attorney; therefore, you should have an attorney of your choice file an entry of appearance before the scheduled hearing.

If you are a person with a disability, and you wish to attend the hearing, we may be able to make arrangements for your special needs. Please call Norma Lewis at the Public Utility Commission:

- Scheduling Office: 717-787-1399
- AT&T Relay Service number for persons who are deaf or hearing impaired: 1-800-654-5988.

pc: Judge Turner
Norma Lewis
Steve L. Springer, Scheduling Officer
Beth Plantz
Docket Section
Calendar File

ORIGINAL

LAW OFFICES

JOHN J. GALLAGHER, P.C.

JOHN J. GALLAGHER
MICHAEL S. HENRY*
LAURA L. CARBERRY*
HENRI MARCEL*

*ALSO MEMBER NJ BAR

SUITE 1100
1760 MARKET STREET
PHILADELPHIA, PA. 19103

June 10, 1998

(215) 963-1555
FAX (215) 963-9104

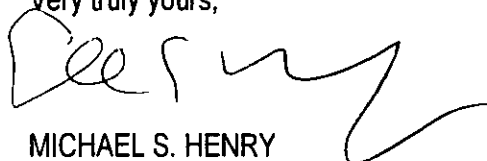
Attn: John Alford, Secretary
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105

RE: Application of Earl Bierman
A-00114754

Dear Mr. Alford:

Enclosed herewith please find my Entry of Appearance on behalf of Lehigh Valley Taxicab Co., Inc. with regard to the above matter.

Very truly yours,


MICHAEL S. HENRY

MSH/dld
Enclosure

152170

98 JUN 12 AM 8:16
RECEIVED
SECRETARY'S BUREAU

DOCUMENT
FOLDER

EEF

✓

● ORIGINAL ●

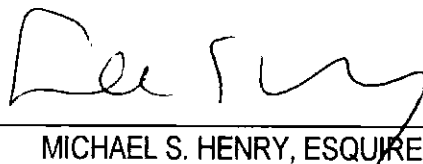
COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105

RE: Application of Earl Bierman : A-00114754

ENTRY OF APPEARANCE

Please enter my appearance on behalf of Lehigh Valley Taxicab Co., Inc. with regard to the above matter.

JOHN J. GALLAGHER, P.C.

By: 
MICHAEL S. HENRY, ESQUIRE

152171

199 JUN 12 AM 8:16
RECEIVED
SECRETARY'S BUREAU

DOCKETED

JUN 12 1998

DOCUMENT
FOLDER