

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

C-2015-2488912

IN RE: Five Star Ambulance Inc : Docket No. A-6411718

PETITION FOR RECONSIDERATION

Petitioner, Five Star Ambulance, Inc, by and through their attorney, David P. Temple, Esquire, hereby respectfully requests reconsideration of the cancellation of the certificate of Five Star Ambulance Inc:

1. Petitioner is Five Star Ambulance Inc, with principal place of business located at 309 Camer Drive, Bensalem, PA 19020.
2. Petitioner was first certificated as a paratransit provider through the Commission on February 6, 2013
3. On or about June 25, 2015 the Commission issued a complaint against the Petitioner for failure to maintain evidence of insurance.
4. The Complaint was mailed to Petitioner, but it was never received by him
5. The complaint was published in the Pennsylvania Bulletin on August 8, 2015.
6. The petitioner entered into an agreement of sale to sell his company in April 2015.
7. The sale included both the ambulance and paratransit divisions.

8. The purchaser was focused on getting the ambulance portion of the business running smoothly.
9. The paratransit division is merely a supplemental part of the business and was put on hold temporarily while the ambulance division was being organized.
10. The paratransit authority was overlooked in this transitional period
11. Upon securing the ambulance division, the Petitioner entered into a management agreement with Rythym Ambulance to run the paratransit business of the petitioner.
12. Rythym, as the manager of the Petitioner began to take steps to get the paratransit service running efficiently and properly on behalf of Five Star Ambulance
13. When the parties came to execute the transfer documents before their attorney they were notified that the authority had been cancelled for a default on the complaint and failure to pay the fines.
14. It was not until that time, in the second week of June did they even know that authority had been cancelled
15. The parties immediately contacted the Commission and received a copy of the letter that cancelled the authority on June 14, 2016. A true and correct copy of the letter is attached hereto as Exhibit A.
16. The Petitioner has made payment of the \$600 in fines owed as of the filing of this petition. A true and correct copy of the payment is attached hereto as Exhibit B

17. The petitioner has secured a new insurance policy and filed the required E Form
18. Immediately upon reinstatement the parties will execute a transfer application with the Commission.
19. During the transfer process the authority will be managed by the Purchaser, Rhythm Ambulance.
20. The address of the authority has been changed to that of Rythym Ambulance to ensure accurate and timely response to the Commission. A true and correct copy of the address change is attached hereto as Exhibit C.
21. Rhythm will ensure that all documents are filed and insurance maintained as required for the successful transfer of this authority
22. This Petition for Reconsideration of the cancellation is timely
23. This issue will not arise again as the fine was resultant from a failure to maintain evidence of insurance on file with the Commission and the Purchaser has taken responsibility to make sure this happens while the authority is under transfer.
24. The Petitioner has executed a change of address with the Commission to ensure that documents are received timely and dealt with in the normal course of business
25. The failure to pay fines will also be rectified as Petitioner will be divesting himself of the business
26. Purchaser has also retained counsel to review and answer any complaints that arise from service or review.

27. The Petitioner has been certificated for over three (3) years and has an excellent record of compliance with the Commission
28. A grant of the reconsideration would be in the interest of the public as it would continue to offer the riding public a necessary option for non emergency medical transportation.
29. It would also be in the public interest as it would permit the existing ambulance contracts to rely on the paratransit division which was promised to them when they contracted with Petitioner
30. A grant of reconsideration would be in the interest of the public because it would maintain the jobs of all of the drivers, dispatchers, mechanics and managers who rely on the business to support their families.

WHEREFORE, Petitioner Five Star Ambulance Inc., by and through their attorney respectfully requests reconsideration of the June 14, 2016 staff decision of the Commission cancelling the certificate possessed by the Petitioner and reinstatement of said certificate.

Respectfully,



David P. Temple, Esquire
Attorney for Petitioner
Five Star Ambulance Inc



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

IN REPLY PLEASE
REFER TO OUR FILE

June 14, 2016
CORRECTED

C-2015-2488912
A-6411718

FIVE STAR AMBULANCE INC.
2789 BUTTERCUP COURT
HUNTINGDON VALLEY PA 19006-5455

Re: FIVE STAR AMBULANCE INC.

Respondent:

On June 25, 2015, the Bureau of Investigation and Enforcement instituted a Complaint against **Five Star Ambulance, Inc.**, Respondent, for failure to maintain evidence of bodily injury and property damage liability insurance on file with this Commission, a violation of the Public Utility Code at 66 Pa C.S. §512, 52 Pa. Code §32.2(c), and 52 Pa. Code §32.11(a), §32.12(a) or §32.13(a).

In accordance with 52 Pa. Code §5.61, the Bureau of Investigation and Enforcement notified the Respondent that, unless the insurer files evidence of insurance with this Commission, and Respondent pays the proposed fine, an Answer to the Complaint must be filed within twenty (20) days of the date of service. The Notice further specified that, if Respondent failed to answer the Complaint within twenty (20) days, the Bureau of Investigation and Enforcement would request that the Commission cancel Respondent's Certificate of Public Convenience.

The Complaint was mailed by certified mail on June 25, 2015 and the U.S. Post Office returned the Complaint on July 23, 2015 unable to deliver. The Complaint was mailed by first class mail on July 28, 2015 and published in the Pennsylvania Bulletin on August 8, 2015. To date, more than twenty (20) days later, respondent has failed to file an Answer to the Complaint and has failed to pay the fine and have its insurer file evidence of insurance with this Commission.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the **Certificate of Public Convenience**, issued to Respondent at A-6411718 is **hereby canceled**.

Respondent is assessed a fine of \$500 for failure to maintain evidence of insurance on file with this Commission as required at 52 Pa. Code §32, as well as a fine in the amount of \$100 for failing to file an answer to the Complaint as required by 52 Pa. Code §5.61, for a total fine of \$600. Payment must be made by certified check or money order payable to the Commonwealth of PA, and mailed to Pa. Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265.

Furthermore, this Commission will request the Pennsylvania Department of Transportation to put an administrative hold on Respondent's vehicle registrations. Respondent will **NOT** be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

Exhibit A

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue
Bureau of Audit Programs
Sales and Use Taxes
Tenth Floor, Strawberry Square
Harrisburg, PA 17128-1061

Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa. C.S. §§1.1 et seq. and the regulations of the Commission, 52 Pa. Code §§1.1 et seq. In view of the **cancellation of respondent's Certificate of Public Convenience**, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

APPEAL RIGHTS

If you disagree with this determination, you may send a Petition for Reconsideration from Staff Action (Petition) to: Secretary, PA Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Such a Petition is a written statement asking the Commission to change its determination.

The Petition must be filed with the Commission within twenty (20) days of the date of this letter. If no timely request for reconsideration is made, this action will be deemed to be the final action of the Commission.

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request, (2) the case docket number(s) (they are provided for you at the top right hand corner of this letter), (3) the name of the person on whose behalf the petition is made, (4) copies of relevant documentation, and (5) a verification with original signature. See 52 Pa. Code §§1.31 and 5.44. Below is a sample Verification:

VERIFICATION

I, (YOUR NAME GOES HERE), hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(SIGN AND DATE)

If you believe that you have received this letter in error, please contact the Compliance Office of the Motor Carrier Services and Enforcement Division in the Bureau of Technical Utility Services at 717-787-1227 within ten (10) days of the date of this letter.

Very truly yours,



Rosemary Chiavetta,
Secretary

Cc: PA Department of Transportation
PA Department of Revenue

June 30, 2016

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA.17120

Five Star Ambulance Inc.
Docket No. C-2015-2488912

Dear Secretary Chiavetta:

Enclosed is the payment for the outstanding penalties issued in the above referenced docket.

Thank you for your assistance in this matter. Please call if there are any questions

Very truly yours,

DAVID P. TEMPLE

Exhibit B

NOTIFICATION OF ADDRESS CHANGE FOR CERTIFICATE,
PERMIT, AND BROKERAGE LICENSE HOLDERS

COMPANY NAME FIVE STAR AMBULANCE INC A- 6411718

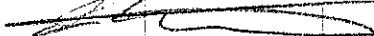
TRADE NAME _____

OLD
PHYSICAL () MAILING ()
ADDRESS 73A TRACEY ROAD HUNTINGDON VALLEY, PA 19006

NEW
PHYSICAL ADDRESS 309 CAMER DRIVER, UNIT 4, BENSALEM, PA 19020

NEW
MAILING ADDRESS 296 NANDINA STREET, PHILADELPHIA, PA 19116

TELEPHONE# 215-485-8018

AUTHORIZED SIGNATURE 

PLEASE PRINT NAME IGOR GALIBOV, PRESIDENT

DATE 6/28/16

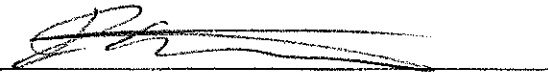
(PLEASE ADVISE INSURANCE COMPANY OF THE ABOVE CHANGE OF ADDRESS)

PLEASE RETURN TO:

PENNSYLVANIA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU
P.O. BOX 3265
HARRISBURG, PA 17105-3265

VERIFICATION

IGOR GALIBOV, President for the Petitioner, Five Star Ambulance Inc attests that the statements made in the foregoing pleading are true and correct to the best of his knowledge, information and belief. The undersigned understands that the statements therein are made subject to the penalties of 18 Pa. C.C. §4909 relating to unsworn falsification to authorities.



IGOR GALIBOV

DATED: 6/26/16