

ORIGINAL

Law Offices

**VUONO & GRAY, LLC**

John A. Vuono  
William A. Gray  
Mark T. Vuono\*  
Dennis J. Kusturiss  
Christine M. Dolfi  
Louise R. Schrage  
Susan C. Indrisano+  
\*Also Admitted in Florida  
+Also Admitted in Maryland

2310 Grant Building

Pittsburgh, PA 15219-2383

September 24, 2003

Richard R. Wilson  
*of Counsel*

Telephone  
412-471-1800

Facsimile  
412-471-4477

Re: Corry Cab Company  
Docket No. A-00117072, F.3

DOCUMENT

Mr. James J. McNulty  
Secretary  
Pennsylvania Public Utility Commission  
North Office Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**MAILED WITH U.S. POSTAL SERVICE**  
**CERTIFICATE OF MAILING FORM 3817**

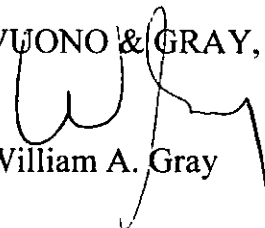
Dear Mr. McNulty:

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 & GRAY, LLC



William A. Gray

ms/28081

Enclosure

cc: Corry Cab Company (Certified Mail)  
Tri-State Emergency Systems, Inc. t/d/b/a EmergyCare  
West County Paramedic Association

RECEIVED

SEP 24 2003

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

85

ORIGINAL

RECEIVED

SEP 24 2003

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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DOCKET NO. A-00117072, F.3

CORRY CAB COMPANY

DOCKETED

SEP 29 2003

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PROTEST AND REQUEST  
FOR ORAL HEARING

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DOCUMENT

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 their protests 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.
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 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 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.

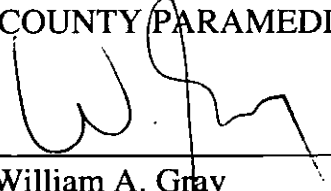
4. Protestants request that the application be set for oral hearing and that applicant be required to prove by competent evidence the elements of proof required by statute. If an oral hearing is held, protestants will appear and present evidence of protestants' own operations and particular interests 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,

TRI-STATE EMERGENCY SYSTEMS, INC.  
T/D/B/A EMERGYCARE  
WEST COUNTY PARAMEDIC ASSOCIATION

By: \_\_\_\_\_

  
William A. Gray  
Attorney for Protestants

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

Dated: September 24, 2003

CERTIFICATE OF SERVICE

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

Dated at Pittsburgh, PA, this 24th day of September, 2003.

  
\_\_\_\_\_  
William A. Gray

/28081

Re: Corry Cab Company  
Docket No. A-00117072, F.3

APPENDIX A

SCOPE OF AUTHORITY SOUGHT:

By application published in the Pennsylvania Bulletin on September 13, 2003,  
applicant seeks authority to operate as a common carrier, transporting:

Persons in paratransit service, between points in the Counties of  
Erie, Crawford, Mercer, Venango, Warren, Forest, McKean,  
Elk, Clarion and Jefferson, and from points in said counties, to  
points in Pennsylvania, and return.

INTEREST OF PROTESTANTS:

1. Tri-State Emergency Systems, Inc. t/d/b/a EmeryCare, 1701 Sassafras Street,  
Erie, PA 16502-1857(814-870-1920), holds authority at Docket No. A-00114621. A copy  
of the relevant authority of EmeryCare is attached hereto. As relevant hereto, EmeryCare  
can provide service to, from and between points in the Counties of Erie, Crawford, Warren  
and Venango, and from points in said counties to points in Pennsylvania, and return.

2. West County Paramedic Association, 6852 Meadville Road, P.O. Box 5,  
Girard, PA 16417-0005 (814-774-3915), holds authority at Docket No. A-00116346. A  
copy of the relevant authority of West County Paramedic is attached hereto. As relevant  
hereto, West County Paramedic can provide service between points in the county of Erie,  
and from points in the said county, to points in various named counties, and vice versa.

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

**Public Meeting held July 9, 1998**

**Commissioners Present:**

**John M. Quain, Chairman  
Robert K. Bloom, Vice-Chairman  
David W. Rolka  
Nora Mead Brownell  
Aaron Wilson, Jr.**

Application of Tri-State Emergency Systems, Inc.,  
t/d/b/a EmergyCare, Erie, Erie County, a  
corporation of the Commonwealth of Pennsylvania,  
for the right to begin to transport, as a common  
carrier by motor vehicle, persons in paratransit  
service, using both wheelchair accessible and non-  
wheelchair accessible vehicles, to, from and between  
medical and medically related facilities in the  
counties of Erie, Crawford, Warren and Venango,  
and from points in the said counties to points in  
Pennsylvania, and return.

A-00114621

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Quinn, Buseck, Leemhuis, Toohey & Kroto, Inc., by Scott L. Wallen for the applicant.

---

**ORDER**

**BY THE COMMISSION:**

This matter comes before the Commission on an application filed January 28, 1998. Public notice of the application was given in the Pennsylvania Bulletin of February 14, 1998. No protests were filed.

The unopposed application is certified to the Commission for its decision without oral hearing. The record consists of verified statement entered by the applicant and eight (8) supporting parties which establishes necessity for the proposed service.

After a complete review of the application, we find:

1. Applicant seeks to initiate common carrier authority to transport persons in paratransit service.
2. Applicant is now engaged in emergency medical service.
3. The applicant has the equipment, experience, ability and fitness necessary to render the service.
4. The applicant is supported by eight (8) parties demonstrating need for the service.
5. The evidence of record is sufficient to establish necessity for the service.
6. 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 granting the following right:

To transport, as a common carrier, persons in paratransit service, using both wheelchair accessible and non-wheelchair accessible vehicles, to, from and between medical and medically related facilities in the counties of Erie, Crawford, Warren and Venango, and from points in the said counties to points in Pennsylvania, and return.

**IT IS FURTHER ORDERED:** That the applicant shall not engage in any transportation in this application until the following is submitted to the Commission:

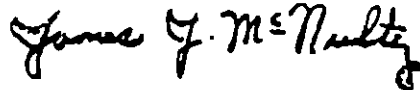
1. Form E, as evidence of Bodily Injury and Property Damage Liability Insurance.
2. A tariff establishing just and reasonable rates.

**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 upon compliance with the requirements hereinbefore set forth, a certificate shall 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 of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

**BY THE COMMISSION,**



**James J. McNulty  
Secretary**

**(SEAL)**

**ORDER ADOPTED: July 9, 1998**

**ORDER ENTERED: JUL 13 1998**

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265**

Public Meeting held June 22, 2000

Commissioners Present:

John M. Quain, Chairman  
Robert K. Bloom, Vice-Chairman  
Nora Mead Brownell  
Aaron Wilson, Jr.  
Terrance J. Fitzpatrick

Application of West County Paramedic Association, a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, persons in paratransit service, between points in the county of Erie, and from points in the said county, to points in the counties of Crawford, Warren, Mercer, Venango, Forest, Lawrence, Butler, Clarion, Beaver, Armstrong, Washington, Allegheny, Westmoreland, Fayette and Greene, and vice versa. A-00116346

William A. Gray for the applicant and Eastern Medical Ambulance, Inc.  
John A. Pillar for Community Ambulance Service, Inc. and Gold Cross Ambulance Service of Pa., Inc.  
Alan C. Kohler for Tri-State Emergency Systems, Inc.

**O R D E R**

**BY THE COMMISSION:**

This matter comes before the Commission on an application filed October 28, 1999. Public notice of the application was given in the Pennsylvania Bulletin of November 20, 1999. Protests were filed by Eastern Medical Ambulance, Inc., Community Ambulance Service, Inc., Gold Cross Ambulance Service of Pa., Inc., and Tri-State Emergency Systems, Inc. Upon the withdrawal of the protest of Eastern Medical Ambulance, Inc., Mr. William A. Gray entered an appearance on behalf of the applicant.

The protests were withdrawn predicated upon our acceptance of restrictive amendments which eliminate the vice versa provision for service going from Erie County to the counties of Crawford, Mercer and Venango; and limits the applicant to the operation of not more than two (2) motor

vehicles in connection with service to be provided under the authority sought by the amended application.

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

#### DISCUSSION AND FINDINGS

West County Paramedic Association is a Pennsylvania non-profit corporation domiciled in Girard, Erie County. The applicant provides emergency ambulance service in Erie County. It now seeks to provide non-emergency service using two wheelchair vans equipped with lifts and wheelchair tie-downs. The public will be offered a shared ride service requiring advanced reservations under the authority proposed.

The applicant submitted a balance sheet dated December 31, 1999 reporting total assets of \$220,049.38 with liabilities of \$171,960.86.

The supporting verified statements are from individuals and from clinics and nursing homes in Erie County. The statements express support for the applicant's proposed service to meet the needs of persons requiring assisted transportation for doctors visits, dental appointments and laboratories in Erie County and the surrounding area.

As the application has been restrictively amended the applicant is limited to the use of two vehicles for the provision of the proposed paratransit service. The Commission has long held that restrictions to the number of vehicles that may be operated by a carrier do not serve the public interest and are not acceptable to the Commission. It is our determination that upon establishment of need for a transportation service, the carrier must be permitted to meet that need without the imposition of restrictions as to the number of vehicles the carrier may have available in response to public demand. Hence, the proviso of the restrictive amendment limiting the applicant to the operation of no more than two vehicles will not be made part of the authority to issue.

After complete review of the record, We Find:

1. The applicant has the equipment, experience and financial capacity to provide the proposed service, as amended, and as modified.
2. The applicant has support representative of the proposed service, as amended, and as modified.

3. Approval of the unopposed application, as amended and modified is necessary for the accommodation and convenience of the public; THEREFORE,

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

To transport, as a common carrier, persons in paratransit service, between points in the county of Erie, and from points in the said county, to points in the counties of Warren, Forest, Lawrence, Butler, Clarion, Beaver, Armstrong, Washington, Allegheny, Westmoreland, Fayette and Greene, and vice versa.

To transport, as a common carrier, persons in paratransit service, between points in the county of Erie, and from points in the said county, to points in the counties of Crawford, Mercer and Venango, and return.

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

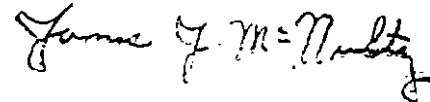
1. Form E, as evidence of bodily injury and property damage insurance.
2. A tariff establishing just and reasonable rates.

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 carrier, shall not be construed as conferring more than one operating right.

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

BY THE COMMISSION



James J. McNulty  
Secretary

(SEAL)

ORDER ADOPTED: June 22, 2000

ORDER ENTERED: JUN 23 2000

**PAGE, WOLFBERG & WIRTH LLC**  
ATTORNEYS & COUNSELORS AT LAW

JAMES O. PAGE ◊  
DOUGLAS M. WOLFBERG ◊ Δ  
STEPHEN R. WIRTH ◊

CHRISTINA M. MELLOTT ◊  
JOHN MAYERNICK IV ◊  
CINDY R. STAFFELBACH ◊ ◊

◊ MEMBERS, CALIFORNIA BAR  
◊ MEMBERS, PENNSYLVANIA BAR  
Δ MEMBER, NEW YORK BAR

MAIN OFFICE  
5010 EAST TRINDLE ROAD, SUITE 202  
MECHANICSBURG, PA 17050  
TELEPHONE (717) 691-0100  
FACSIMILE (717) 691-1226

[www.pwwemslaw.com](http://www.pwwemslaw.com)

WEST COAST OFFICE  
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TELEPHONE (760) 729-2201  
FACSIMILE (760) 729-2296

CHRISTINA M. MELLOTT  
[cmellott@pwwemslaw.com](mailto:cmellott@pwwemslaw.com)

September 29, 2003

VIA FIRST CLASS MAIL

James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
PO Box 3265  
Harrisburg, PA 17105-3265

**Re: Application of Corry Cab Company, t/d/b/a Corry Cab Company**  
**Docket No. A-00117072, Folder 3.**

Dear Secretary McNulty:

Enclosed for filing please find an original and three copies of the Protest and Request for Oral Argument of *Superior Ambulance Service, Inc.* regarding the above-referenced Application. Kindly stamp the extra copy and return it in the enclosed envelope for our records.

As evidenced by the attached Certificate of Service, this filing has been served on the Applicant pursuant to the Commission's rules and within the required time frame. Please let us know if you have any questions on this matter.

Very truly yours,

Christie M. Mellott  
for PAGE, WOLFBERG & WIRTH, LLC



SECRETARY'S BUREAU

03 SEP 30 AM 8:56

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2003 OCT -1 PM 2:00

15

September 29, 2003  
Page 2

CMM:ms  
Enclosures

cc: Corry Cab Company (with enclosures)  
Superior Ambulance Service, Inc. (with enclosures)

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

02 SEP 30 AM 8:57  
SECRETARY'S BUREAU

In re: APPLICATION OF :  
CORRY CAB COMPANY t/d/b/a : Docket No. A-00117072,  
CORRY CAB COMPANY : Folder 3.

**PROTEST AND REQUEST FOR ORAL HEARING**

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the motor carrier, Superior Ambulance Service, Inc. ("Protestant"), protests the above application and requests that the application be assigned for oral hearing and in support thereof respectfully represents as follows:

1. By this application, notice of which was published in the Pennsylvania Bulletin on September 13, 2003, Corry Cab Company t/d/b/a Corry Cab Company ("Applicant") seeks authority as set forth in Appendix A.

2. The name and address of the Protestant is:

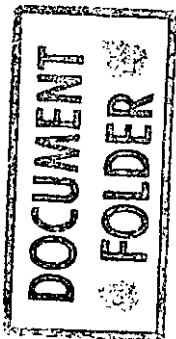
SUPERIOR AMBULANCE SERVICE, INC.  
P.O. Box 247  
620 E. Main Street Extension  
Grove City, PA 16127

3. The name, address and telephone number of Protestant's counsel is:

PAGE, WOLFBERG & WIRTH, LLC  
5010 East Trindle Road, Suite 202  
Mechanicsburg, PA 17050  
(717) 691-0100

4. Protestant holds authority from the Commission at Docket Number A-

00117309, to transport, as a common carrier, persons in paratransit service, between points in the county of Mercer, and from points in said county, to points in Pennsylvania,



**DOCKETED**  
SEP 30 2003

10230-1-100000  
10/2/03

A handwritten signature in dark ink, appearing to be "DE".

and vice versa. A true and correct copy of the authority held by Protestant is attached hereto as Appendix B.

5. Approval of this application is neither necessary nor proper for the service, accommodation, safety or convenience of the public since: (a) the Protestant presently holds authority to provide service in the area affected by the application prior to any resolution of the application; (b) the Protestant and other existing carriers are providing adequate service to the public in the areas involved in the application, (c) there is no need for the service proposed by the Applicant and approval of the application will result in the diversion from existing carriers of revenue necessary to sustain their existing operations, and (d) approval of the application will adversely affect the Protestant 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.

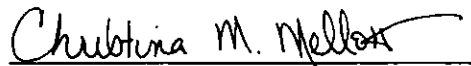
6. Protestant requests that the application be set for oral hearing and that Applicant be required to prove by competent evidence the elements of proof required by statute. If an oral hearing is held, the Protestant will appear and present evidence of Protestant's own operations and particular interests unless this application is amended so as to eliminate those interests as set forth in this Protest.

7. Pursuant to Section 333(c) of the Public Utility Code (66 Pa. C.S.A. § 333(c)), Protestant hereby requests a list of witnesses expected to testify in the above-titled 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.

8. The Protestant knows of no amendments that would satisfy its interests in this proceeding short of eliminating its interests as set forth in this Protest.

WHEREFORE, Protestant, Superior Ambulance Service, Inc., requests that the granting of the application be withheld; the proceeding be assigned for oral hearing with leave to Protestant to participate fully therein; and the 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,



Christina M. Mellott, Esquire  
PAGE, WOLFBERG & WIRTH, LLC  
5010 East Trindle Road, Suite 202  
Mechanicsburg, PA 17050  
(717) 691-0100  
(717) 691-1226 (fax)

Counsel for Protestant,  
Superior Ambulance Service, Inc.

Dated: September 29, 2003

A-00117072, Folder 3. **Corry Cab Company t/d/b/a Corry Cab Company** (127 Park Street, Corry, Erie County, PA 16407), a corporation of the Commonwealth -- persons, in paratransit service, between points in the counties of Erie, Crawford, Mercer, Venango, Warren, Forest, McKean, Elk, Clarion and Jefferson, and from points in said counties to points in Pennsylvania, and return.

**PENNSYLVANIA BULLETIN  
VOLUME 33, NUMBER 37  
SEPTEMBER 12, 2003**

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held February 21, 2001

**Commissioners Present:**

**John M. Quain, Chairman**  
**Robert K. Bloom, Vice-Chairman**  
**Nora Mead Brownell**  
**Aaron Wilson, Jr.**  
**Terrance J. Fitzpatrick**

Application of Superior Ambulance Service, Inc., a corporation of the Commonwealth of Pennsylvania, for the right to begin to transport, as a common carrier, persons in paratransit service, between points in the county of Mercer, and from points in said county, to points in Pennsylvania, and vice versa.

A-00117309

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Page, Wolfberg & Wirth, LLC, by Steven R. Wirth for the applicant.

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**ORDER**

**BY THE COMMISSION:**

This matter comes before the Commission on an application filed September 26, 2000. Public notice of the application was given in the Pennsylvania Bulletin of November 18, 2000. No protests were filed and no hearings were held.

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 three (3) parties.

APPENDIX B

## DISCUSSION AND FINDINGS

Superior Ambulance Service, Inc., applicant, will conduct operations from a garage and office located in Pine Township, Mercer County. Communications will be maintained via UHF radio, cellular phones and phone lines into twenty-four-hour emergency dispatch office. Applicant will utilize a 1996 and a 1999 Ford E250 ADA wheelchair vans. Vehicle repairs will be made by McCandless Ford garage located in the city of Mercer. All drivers are CPR/First Aid trained. Applicant currently provides exempt emergency ambulance and medical transportation services in Mercer County since November 3, 1996.

The balance sheet of the applicant as of January 6, 2001, shows total current assets of \$ [REDACTED] total assets of \$ [REDACTED] total liabilities of \$ [REDACTED] and a net worth of \$ [REDACTED]

The application is supported by Woodland Place, Mercer, Mercer County, a skilled nursing and assisted living facility. Transportation required will be two (2) trips per day, seven (7) days per week. Point of origin will be 745 Greenville Road, Mercer, Mercer County with destinations being Sharon, Mercer, Greenville and Grove City.

Buchanan Commons is a nursing home located at 400 Hillcrest Avenue, Grove City, Mercer County. It requires transportation five (5) to seven (7) times per week from its facilities to Greenville, Farrell, Sharon and Mercer County area.

Orchard Manor, Inc., is a skilled nursing facility requiring transportation for its residents from its facility located at 20 Orchard Drive, Grove City, Mercer County for round trips to United Community Hospital and other physicians within Grove City and Pine Township, as well as transportation within Mercer and Butler Counties. It is anticipated transportation will be required one (1) trip per day, six (6) days per week.

### After complete review of the record, we find:

1. Applicant seeks the right to initiate paratransit service and the application was unopposed.
2. Applicant has provided P.U.C.-exempt emergency medical ambulance service to the public.
3. The applicant has the equipment, ability and fitness necessary to render the service.
4. Three (3) parties support the application.
5. The evidence of record is sufficient to establish necessity for the service.
6. 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 granting the following right:

To transport, as a common carrier, persons in paratransit service, between points in the county of Mercer, and from points in said county, to points in Pennsylvania, and vice versa.

**IT IS FURTHER ORDERED:** That the applicant shall not engage in any transportation authorized by this order until the following is submitted to the Commission:

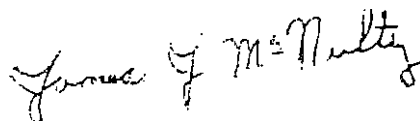
1. Form E, as evidence of bodily injury and property damage liability insurance.
2. A tariff establishing just and reasonable rates.

**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 upon compliance with the requirements hereinbefore set forth, a certificate shall 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 of the service of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

**BY THE COMMISSION,**



James J. McNulty  
Secretary

(SEAL)

**ORDER ADOPTED:** February 21, 2001

**ORDER ENTERED:**

**FEB 23 2001**

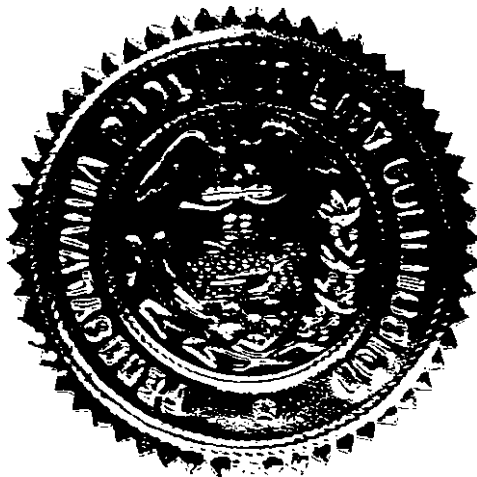
# PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF: A-00117309

Superior Ambulance Service, Inc.

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues to the applicant this **CERTIFICATE OF PUBLIC CONVENIENCE** evidencing the Commission's approval to operate as a motor carrier.

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 14th day of March, 2001.



*James J. McQuilty*

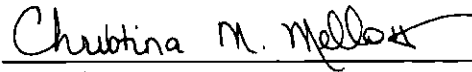
Secretary

**CERTIFICATE OF SERVICE**

I hereby certify that I have this day served a true copy of the foregoing Protest and Request for Oral Hearing upon the Applicant listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

**VIA FIRST CLASS MAIL**

Corry Cab Company  
127 Park Street  
Corry, PA 16407



Christina M. Mellott  
PAGE, WOLFBERG & WIRTH, LLC  
5010 East Trindle Road, Suite 202  
Mechanicsburg, PA 17050  
(717) 691-0100  
(717) 691-1226 (fax)

Counsel for Protestant,  
Superior Ambulance Service, Inc.

Dated: September 29, 2003

**ZATOR LAW OFFICES**

THE JAINDL BUILDING  
4029 WEST TILGHMAN STREET  
ALLENTOWN PA 18104

**ORIGINAL**

JOSEPH A. ZATOR II  
ANDREW D. HOFFMAN  
JOHN T. MARCHETTO  
CHRISTOPHER M. MCLEAN

TELEPHONE 610-432-1900  
TELEFAX 610-432-1707  
E-MAIL zatorlaw@aol.com

October 1, 2003

**TRANSMITTED VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

Hon. James J. McNulty , Secretary/Prothonotary  
Pennsylvania Public Utility Commission  
North Office Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

**DOCUMENT**

**RE: Corry Cab Company t/d/b/a Corry Cab Company  
Docket No. A-00117072, Folder 3**

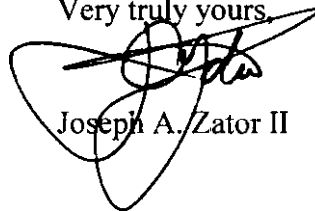
Dear Mr. McNulty:

Enclosed is a Protest of the above-captioned Application filed on behalf of Life Force of Western PA, Inc. d/b/a Life Force Ambulance.

By copy of this letter, a copy of this Protest has been served on the applicant 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. Thank you.

Very truly yours,



Joseph A. Zator II

JAZ:ss  
Enclosure  
cc: Corry Cab Company t/d/b/a Corry Cab Company  
127 Park Street  
Corry, PA 16407  
cc: David Shilling

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Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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IN RE: APPLICATION OF	)	
CORRY CAB COMPANY	)	Docket No. A-00117072
t/d/b/a CORRY CAB COMPANY	)	Folder 3

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**PROTEST OF LIFE FORCE OF WESTERN PA, INC.**  
**d/b/a LIFE FORCE AMBULANCE**

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier named herein (the "Protestant") desires to protest the above application and requests that the application be assigned for oral hearing and in support thereof, respectfully represents:

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 is:

Life Force of Western PA, Inc.  
d/b/a Life Force Ambulance  
35 Sixth Avenue  
Greenville, PA 16125

**DOCKETED**

OCT 07 2003

**DOCUMENT**

3. The name, address and telephone number of Protestant's attorney is:

Zator Law Offices  
Joseph A. Zator II, Esquire  
4029 W. Tilghman Street  
Allentown, PA 18104  
(610) 432-1900

COMMUNICATIONS BUREAU  
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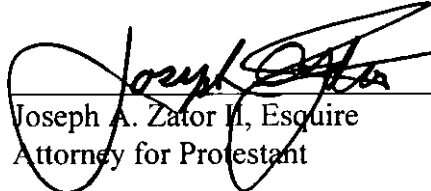
4. Protestant holds authority in conflict with this application as summarized in Appendix "B" attached hereto.

5. Approval of this Application is neither necessary nor proper for the service, accommodation, safety or convenience of the public because: (a) Protestant presently holds authority to provide service in Mercer County, (b) Protestant is providing adequate service to the public in the areas involved in this Application that overlap with Protestant's authority, (c) there is no need for the service proposed by Applicant in Mercer County and approval of the Application relating to Mercer County will result in the diversion from existing carriers of revenue necessary to sustain their existing operations, and (d) approval of the Application relating to Mercer County will adversely affect Protestant who has a substantial investment in facilities and equipment and is willing and able to provide service in the Application area covered by Protestant's authority.

6. Protestant requests 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, Protestant will appear and present evidence of Protestant's own operations and particular interests unless this Application is amended so as to eliminate those interests as set forth in this Protest.

7. Pursuant to Section 333(c) of the Public Utility Code (66 Pa. C.S.A. Sec. 333(c)), Protestant hereby requests 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 Applicant.

Respectfully submitted,  
ZATOR LAW OFFICES

By:   
Joseph A. Zator II, Esquire  
Attorney for Protestant

**A-00117072, Folder 3. Corry Cab Company t/d/b/a Corry Cab Company** (127 Park Street, Corry, Erie County, PA 16407), a corporation of the Commonwealth--persons in paratransit service, between points in the counties of Erie, Crawford, Mercer, Venango, Warren, Forest, McKean, Elk, Clarion, and Jefferson, and from points in said counties, to points in Pennsylvania, and return.

APPENDIX "A"

Life Force of Western PA, Inc. d/b/a Life Force Ambulance

To transport, as a common carrier, persons in paratransit service, to or from medical/or health related appointments, between points in Mercer County and from the said county to points in Pennsylvania, and return.

To transport, as a common carrier, in paratransit service, persons who are non-ambulatory, between points in Mercer County, and from points in said county, to points in Pennsylvania, and return.

Both rights above subject to the following conditions:

1. That the service is limited to the use of vehicles equipped with side opening doors, ramps or lifts to handle wheelchairs, and equipped to provide medical procedures whether ongoing or emergency in nature;
2. That service is limited to the use of vehicles operated by state certified emergency medical technicians;
3. That medical and/or health related appointments are defined to include but are not limited to appointments at doctor or dentist offices, physical, occupational, or other therapy and rehabilitation centers.

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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IN RE: )  
 )  
Application of ) Docket No. A-00117072  
LIFE FORCE OF WESTERN PA, INC. ) Folder 3  
d/b/a LIFE FORCE AMBULANCE )

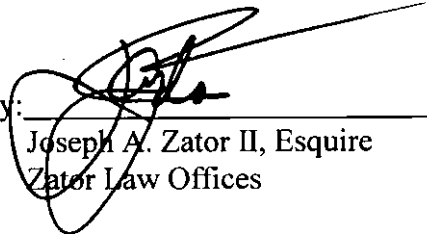
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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing Protest of Life Force of Western PA, Inc., d/b/a Life Force Ambulance was mailed by First Class United States Certified Mail, Postage Prepaid this 2<sup>nd</sup> day of October, 2003, upon the following parties:

Corry Cab Company  
t/d/b/a Corry Cab Company  
127 Park Street  
Corry, PA 16407

Honorable James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

By:   
Joseph A. Zator II, Esquire  
Zator Law Offices

  
**LAW OFFICES OF  
JOHN A. PILLAR**  
680 WASHINGTON ROAD  
SUITE B101  
PITTSBURGH, PENNSYLVANIA 15228-1925

John A. Pillar  
Karen S. Timko

October 3, 2003

(412) 343-0970  
FAX (412) 343-0971  
pillarlaw@stargate.net

Re: Corry Cab Company, t/d/b/a  
Corry Cab Company  
Docket A-00117072, F.3



Hon. James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

SECRETARY'S BUREAU

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Dear Mr. McNulty:

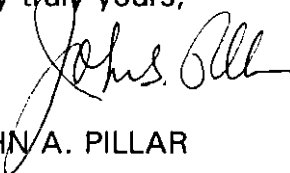
Enclosed is a protest filed on behalf of the following to the above-captioned application:

Baker's Transportation Services, 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,

A handwritten signature in cursive script that reads "John A. Pillar".

JOHN A. PILLAR

2003 OCT -7 PM 2:29

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sw  
Enclosure  
cc: Corry Cab Company (w/encl.)

**U. S. POSTAL SERVICE CERTIFICATE OF MAILING ENCLOSED**

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

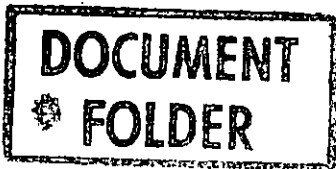
Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: Application of	)	
CORRY CAB COMPANY	)	Docket No. A-00117072
t/d/b/a CORRY CAB COMPANY	)	Folder 3
	)	

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:



JOHN A. PILLAR, ESQ.  
680 Washington Road  
Suite B101  
Pittsburgh, PA 15228  
(412) 343-0970

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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".

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OCT 03 2003

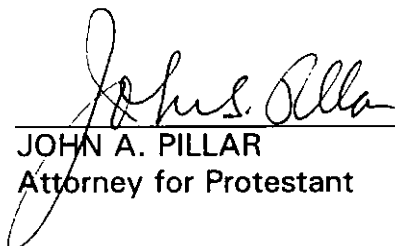
5. Protestant(s) is/are presently providing service in the application area and/or is/are willing and able to provide such service. To the extent of protestant(s) authority, there is no need or demand for additional service and the proposed service is not necessary or proper for the service, accommodation, convenience or safety of the public. Protestant(s) reserve the right to present evidence of destructive competition and/or adverse impact which would be contrary to the public interest depending on the nature and scope of the evidence presented by Applicant.

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 complaints, if any, or other 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,

  
\_\_\_\_\_  
JOHN A. PILLAR  
Attorney for Protestant

Due Date: October 6, 2003

**A-00117072, Folder 3. Corry Cab Company t/d/b/a  
Corry Cab Company (127 Park Street, Corry, Erie  
County, PA 16407), a corporation of the Commonwealth—  
persons in paratransit service, between points in the  
Counties of Erie, Crawford, Mercer, Venango, Warren,  
Forest, McKean, Elk, Clarion and Jefferson, and from  
points in said counties, to points in Pennsylvania, and  
return.**

PENNSYLVANIA BULLETIN

Septemer 13, 2003

APPENDIX "A"

**APPENDIX "B"**

Re: Corry Cab Company, t/d/b/a  
Corry Cab Company  
Docket A-00117072, F.3

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

**BAKER'S TRANSPORTATION SERVICES, INC.**  
1400 W. First Street  
Oil City, PA 16301

Baker's Transportation Services, Inc. holds authority from this Commission at Docket A-00100359. As pertinent to the application involved herein, Baker's Transportation is authorized to transport persons, in paratransit service, between points in the County of Venango. The pertinent authority of Baker's Transportation Services, Inc. is attached hereto as Appendix "C".

BAKER'S TRANSPORTATION SERVICE, INC.

**Docket No. A-00100359**

To transport, as a common carrier, persons in paratransit service, between points in the county of Venango.

**Docket No. A-00100359, F.2**

To transport, as a common carrier, persons upon call or demand in the city of Franklin, Venango County.

**APPENDIX "D"**

Re: Corry Cab Company, t/d/b/a  
Corry Cab Company  
Docket A-00117072, F.3

Protestant, Baker's Transportation Services, Inc., will consider withdrawing its opposition to the within application if the application is amended to exclude transportation between points in Venango County.

ORIGINAL

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

CORRY CAB COMPANY

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Application Docket  
No. A-00117072, Folder 3

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PROTEST OF BARKER BROTHERS, INC. *t/d/b/a*  
PITTSBURGH NORTH AIRE RIDE

AND NOW, comes Barker Brothers, Inc. *t/d/b/a* Pittsburgh North Aire Ride

("Aire Ride") pursuant to 52 Pa. Code §§ 3.381(c)(1) and 5.51 to 5.53 and files its Protest to the  
above Application, a Statement of which follows:

1. The name, business address and telephone number of Protestant are as

follows:



Barker Brothers, Inc.  
*t/d/b/a* Pittsburgh North Aire Ride  
R.D. #2, Box 51  
Kittanning, PA 16201  
(724) 548-8536

2. The name, business address and telephone number of Protestant's attorney

are as follows:

James H. Norris, Esquire  
Eckert Seamans Cherin & Mellott  
44th Floor, 600 Grant Street  
Pittsburgh, PA 15219  
(412) 566-6159

DOCKETED  
OCT 06 2003

3. Aire Ride is a carrier authorized by the Pennsylvania Public Utility

Commission ("Pa. P.U.C.") to provide Paratransit service from points within an airline distance  
of fifty (50) statute miles of the Armstrong County Courthouse in the borough of Kittanning,  
Armstrong County, and from points in said territory to points in Pennsylvania, and return.

Applicant now seeks authority to provide Paratransit service in the area served by Aire Ride.

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PA PUC

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Approval of the Application will have a substantial negative impact on Protestant's operation by, inter alia, decreasing passengers and revenue available to Protestant and may result in destructive competition. Approval of the Application is contrary to the public interest. Aire Ride provides adequate and satisfactory service within the area for which it is authorized to provide service. There is no need for the proposed service in the area served by Aire Ride.

4. Aire Ride is currently authorized to operate (1) paratransit service under authority at Pa. P.U.C. docket number A-00109425, Folder 1, (2) call or demand service under authority at Pa. P.U.C. docket number A-00109425, Folder 2, (3) airport transfer service under authority at Pa. P.U.C. docket number A-00109425, Folder 3 and (4) group and party service pursuant to the letter of this Commission dated January 13, 1999. Copies of the Authority, Certificates of Public Convenience and January 13, 1999 letter relating to Aire Ride's authority are attached hereto as Exhibit 1.

5. At this time, Aire Ride is not aware of any restriction or amendment of the Application which would result in the withdrawal of this Protest.

WHEREFORE, Aire Ride respectfully requests that your Honorable Commission deny the Application of Corry Cab Company.

Respectfully submitted,

ECKERT SEAMANS CHERIN & MELLOTT

By: \_\_\_\_\_

James H. Norris  
Pa. I.D. No. 28348  
4th Floor, 600 Grant Street  
Pittsburgh, Pennsylvania 15219  
(412) 566-6159

Dated: October 3, 2003

PA PUC  
SECRETARY'S BUREAU

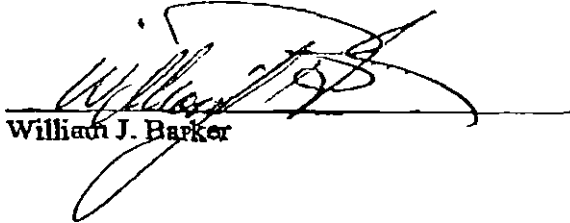
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VERIFICATION

I, William J. Barker, President of Barker Brothers, Inc., do hereby verify that I am authorized to and do make this Verification for Barker Brothers, Inc.; that I have read the foregoing Protest and that the facts set forth herein are true and correct (or are true and correct to the best of my knowledge, information and belief); and I expect the said Barker Brothers, Inc. to be able to prove the same at any hearing hereof.

I understand that the statements herein are subject to the penalties of 18 Pa. C.S.A. § 4904, relating to unsworn falsification to authorities.

  
William J. Barker

Dated: 10 / 2 / 2003

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PA JUC  
SECRETARY'S BUREAU

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120

Public Meeting held April 11, 1991

Commissioners Present:

William H. Smith, Chairman  
Joseph Rhodes, Jr., Vice-Chairman  
Frank Fischl, Commissioner  
Wendell F. Holland, Commissioner  
David W. Rolka, Commissioner

Application of Barker Brothers, Inc.,  
a corporation of the Commonwealth of  
Pennsylvania, for the right to begin to  
transport, as a common carrier, by motor  
vehicle, persons in paratransit service  
between points within an airline distance  
of fifty (50) statute miles of the  
Armstrong County Courthouse in the  
borough of Kittanning, Armstrong County,  
and from points in said territory, to  
points in Pennsylvania, and return;  
excluding service between points in the  
county of Allegheny.

A-00109425

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PA.U.C.  
SECRETARY'S BUREAU

Eckert, Seamans, Cherin & Mellott by James H. Norris for the applicant.  
John E. Fullerton for J & D's, Inc.

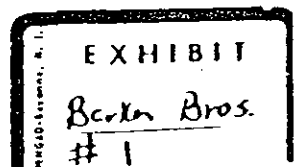
ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed July 11, 1990. Public notice of the application was given in the Pennsylvania Bulletin of August 11, 1990. A single protest filed by J & D's, Inc., was later withdrawn predicated upon our acceptance of a restrictive amendment which provides that no right, power or privilege be granted to transport persons from points in Centre County or between points in Centre County.

The now unopposed application, as amended, is certified to the Commission for its decision without oral hearing. The record consists of verified statements entered by the applicant and 31 supporting parties.

William J. Barker, president of Barker Brothers, Inc., set forth in his verified statement that Barker Brothers, Inc., is a Pennsylvania corporation with its offices at R.D. 2, Kittanning, Armstrong County. The owners



of Barker Brothers, Inc., are also part owners of Barker, Inc., which has operated school bus service in Armstrong and Indiana Counties for the past 30 years. Barker Brothers seeks to transport persons in paratransit service between points which are within a 50-mile radius of the Armstrong County Courthouse which is located in the borough of Kittanning, Armstrong County. It will also provide transportation from points in this territory to points in Pennsylvania and return but excluding service which is wholly within the county of Allegheny.

Barker Brothers, Inc. will share terminal facilities with Barker, Inc. These facilities provide maintenance, fuel service, vehicle cleaning, parking, administration, scheduling, dispatching and training. At this location is an FM two-way radio system which allows the company to handle business, rider problems, equipment problems, and road conditions within a 90-mile radius of the terminal. The applicant will place four vehicles into service being a 1990 Dodge Maxi Van which is equipped with a wheelchair lift and three 1985 12-passenger vans.

All equipment is routinely maintained and safety inspected. A safety program is in place which includes quarterly safety meetings and training of new drivers.

As evidence of its financial capacity to initiate service, the applicant provided a balance sheet as of November 30, 1990, reporting total assets of \$41,096.66 with total liabilities of \$19,418.96.

Tom C. Simmons, operations manager and programs director for Mid-County Transit Authority, Kittanning, Armstrong County, set forth in his verified statement that the transit authority fully supports the application of Barker Brothers, Inc., to provide alternative transportation services in and for the county of Armstrong and surrounding counties. Although Mid-County Transit Authority operates as a public transit provider for fixed-route service and shared-ride service with 203 funding, additional service is desirable in these rural counties.

Betty Beale, executive director of United Cerebral Palsy of Western Pennsylvania, Inc., Spring Church, Armstrong County, set forth in her verified statement that the supporting party is a provider of early intervention and attending care services within Armstrong and Indiana Counties. It provides services to children and adults in Armstrong, Indiana and Westmoreland Counties. The availability of the applicant's service to provide transportation to medical and therapeutic appointments would be desirable.

Larry J. McCluskey, transportation coordinator for ARIN Intermediate Unit 28, Shellocta, Indiana County, set forth in his verified statement that the supporting party is a regional educational service agency within Armstrong and Indiana Counties. Limited public transportation exists in Armstrong and Indiana Counties and additional public transportation is needed. Service is needed to doctor or medical facilities in the evenings or on weekends, to hospitals in the Pittsburgh area, and for persons traveling to work at the Progressive Workshops in either Indiana or Armstrong Counties.

Larry J. McCluskey, also entered a statement as area manager for the Armstrong-Indiana Special Olympics, Indiana, Indiana County, which set forth that many activities in which the agency is involved occur on weekends and during the summer months during which time school transportation is not available. In addition, because many Special Olympic events are not school sponsored activities, school districts cannot provide transportation. Adults involved in the Special Olympics have little or no access to transportation to these events. The availability of the applicant's paratransit service would greatly aid travel needs.

Walter P. Jack, Jr., rehabilitation services coordinator, and Leonard M. Meneely, executive director, entered a joint statement on behalf of the Progressive Workshop of Armstrong County setting forth that the agency is a vocational rehabilitation facility which provides vocational rehabilitation, personal work adjustment training and job placement services to mentally and physically handicapped individuals. The Progressive Workshop of Armstrong County would find the availability of a paratransit service desirable in meeting the needs of their clients. There is a requirement for transportation of approximately 45 individuals in the areas of Sugarcreek and Manor Townships, Rural Valley, Elderton, Apollo, Leechburg, Vandergrift, and Worthington, all in Armstrong County, and Chicora, in Butler County.

James St. Clair, set forth in a letter that he is a handicapped individual residing in Indiana, Indiana County, who desires the availability of a paratransit service with a wheelchair, lift-equipped van. He requires service to doctors or social activities. Although his parents have a van equipped with a lift, public transportation is desirable when that vehicle is not available.

Mary Kay Emigh, set forth in a letter that she resides at 210 Barclay Heights, Indiana, Indiana County. She has multiple sclerosis and is without transportation. She needs transportation to the YMCA for swimming and rehabilitation. She requires transportation in a vehicle equipped with a wheelchair lift.

Scott Guella, set forth in a letter that he resides in Indiana, Indiana County and that he has spina bifida. He is confined to a wheelchair and desires transportation in a van equipped with a wheelchair lift. Of his own knowledge, he knows that such transportation is badly needed in Indiana County.

Larry Glossner, transportation officer for Central Intermediate Unit No. 10, West Decatur, Clearfield County, set forth in his verified statement that transportation in wheelchair lift equipped vans is desirable in Clearfield County as these types of vehicles are in short supply.

DeWayne B. Greenlee, transportation coordinator for Riverview Intermediate Unit, Shipperville, Clarion County, set forth in his verified statement that Riverview Intermediate Unit serves schools in the counties of Clarion, Forest, Jefferson, Venango and parts of the counties of Armstrong, Butler, Clearfield, Crawford, Elk, Indiana and Warren. Several times, people have called requesting transportation, but Riverview Intermediate Unit has

been unable to provide that transportation. The availability of a licensed paratransit operator in this territory would meet the needs of persons in this rural location.

Drew Grivna, executive director of the Association for Retarded Citizens, Beaver County Chapter, Inc., Monaca, Beaver County, set forth in his verified statement that the ARC Beaver County, Inc., is a private, non-profit organization which provides services to mentally-retarded individuals in the community. Quality transportation of handicapped individuals is needed within Beaver County. A prime concern has been the unmet needs of individuals residing in the more rural areas of Beaver County such as North Sewickley, Raccoon Township and Enon Valley.

Rachel Grubbs, president of Association for Retarded Citizens, Inc., Jefferson County, set forth in her verified statement that transportation in this rural area is much needed for retarded citizens.

Michael C. Gruitza, a member of the Pennsylvania House of Representatives set forth in his verified statement that he supports the application of Barker Brothers, Inc., for paratransit service within a 50-airmile radius of Armstrong County Courthouse in Kittanning. He indicates that the availability of this service would benefit handicapped and disabled persons in this region.

John C. Jordan, intensive case manager for the Allegheny Valley Mental Health/Mental Retardation Program, New Kensington, Westmoreland County, set forth in his verified statement that there is an unmet need for transportation in this area and that Allegheny Valley Mental Health/Mental Retardation Program supports the availability of paratransit service.

Andrew Billow, Jr. representing the 72nd Legislative District in Armstrong, Cambria and Indiana Counties, set forth in his verified statement that he supports the application to provide paratransit service within a 50-airmile radius of Armstrong County Courthouse in Kittanning. The provision of this service would benefit handicapped and disabled persons residing within this area.

Anthony L. Collozzo, a member of the Pennsylvania House of Representatives, for the Cannonsburg, Washington County area, set forth in his verified statement that the availability of paratransit service will fill existing gaps in transportation services in this area, particularly for those who must use wheelchairs or otherwise have limited ability to walk and move about.

Patricia Carone, a member of the Pennsylvania House of Representatives, representing the 12th Legislative District comprised of Lawrence and Butler Counties, set forth in a verified statement that she strongly supports the application for paratransit service as this service would benefit handicapped and disabled persons in the region.

Congressman William F. Clinger, Jr., set forth in his verified statement that he supports the availability of the applicant's service due to

the rural nature of much of this area and that public transportation is very limited or does not exist at all. The transportation needs of many people, particularly the handicapped individuals, are not being met. The availability of paratransit service would aid in meeting this need.

Timothy M. Cornell, chairman of transportation committee, Health and Human Service Council for Butler County, set forth in his verified statement that the Health and Human Service Council is an organization of 48 health, service, governmental agencies which promotes and coordinates services to citizens in Butler County. A persistent problem facing citizens of Butler County is the availability of transportation.

Amy Lou Beck, set forth in her verified statement that she represents the Special Olympics of Pennsylvania in DuBois, Jefferson County. The Special Olympics program covers a very rural and large area and the availability of paratransit service would aid persons in this territory in meeting their transportation requirements. The organization now has 213 registered persons with mental retardation and at least another 200 persons who cannot avail themselves of the Special Olympics program due to lack of transportation.

Dorothy G. Fornaf, a registered nurse working with the Elks Home Service Nurse Agency, with service being provided in the counties of Forest, Clarion, Crawford, Venango and Mercer, set forth that her clients have varying degrees of handicap, some of which require vans with lifts to accommodate their wheelchairs. Due to rural locations, many must be transported to cities such as Pittsburgh to obtain necessary evaluations and treatment. There is a need for paratransit service.

David W. Jordan, a resident of Greensburg, Westmoreland County, set forth in a verified statement that due to physical limitations, it is very difficult for him to use available transportation which lacks specialized service. It is his personal experience that he is one of many citizens in the area needing a paratransit service which has vehicles equipped with wheelchair lifts.

Allen G. Kukovich, a member of the Pennsylvania House of Representatives, representing Westmoreland County, set forth in his verified statement that he believes the proposed service would benefit people with disabilities in this region. It would help wheelchair users or those with limited motor skills to get from many rural and suburban locations to therapy or medical facilities.

Frank LaGrotta, a member of the Pennsylvania House of Representatives, representing the counties of Beaver, Lawrence and Mercer, set forth in his verified statement that the availability of the proposed service would benefit persons in the territory.

Susan Laughlin, a member of the Pennsylvania House of Representatives, representing Beaver County, set forth in her verified statement that the provision of general transportation is vital to many individuals. Additional paratransit service in the area requested by the applicant would

provide significant independence for citizens who have disabilities and handicaps.

Ronald D. Painter, chief administrative officer for the Tri-County Private Industry Council, Inc., Butler, Butler County, set forth in his verified statement that the agency endorses the application for paratransit service. The Tri-County Private Industry Council provides services in the counties of Butler, Armstrong and Indiana.

Timothy L. Pesci, a member of the Pennsylvania House of Representatives, representing Armstrong County, set forth in his verified statement that the proposed service would benefit handicapped and disabled persons.

Patrick J. Stapleton, a member of the Senate of Pennsylvania, representing the counties of Armstrong, Clearfield, Indiana, Clarion and Jefferson, set forth in his verified statement that a real need exists for paratransit service in the 41st Senatorial District.

Thomas A. Tangretti, a member of the Pennsylvania House of Representatives, representing Westmoreland County, set forth in his verified statement that he believes service would benefit handicapped and disabled persons in this region. The proposed service in the northern tip of Westmoreland County would be most helpful.

Samuel J. Wagner, Stephen E. Hale and Gerald L. Cussins, Jr., Commissioners for Forest County, set forth in a letter that the availability of a paratransit service in Forest County is desirable.

David R. Wright, a member of the Pennsylvania House of Representatives, representing Armstrong and Clarion Counties, set forth in his verified statement that he believes the proposed service would help those persons that are wheelchairbound or have limited motor skills to get from many suburban and rural locations to therapy or medical facilities.

#### DISCUSSION AND FINDINGS

Barker Brothers, Inc., seeks to initiate certificated service in Pennsylvania providing paratransit service between points within an airline distance of 50 statute miles of the Armstrong County Courthouse which is located in the borough of Kittanning, Armstrong County. It will provide service from this area to points in Pennsylvania and return. The applicant has excluded service between points in Allegheny County. By virtue of the applicant's affiliation with Barker, Inc., a business which is involved in school student transportation, it has the availability of facilities which are adequate to maintain the certificated service. Barker Brothers, Inc. will place four vehicles into operation, one of which is a van which is modified with a wheelchair lift. The applicant has provided evidence of its financial capacity to start up and maintain common carrier operations.

The applicant has entered 31 supporting verified statements from persons in the application territory. These statements may be characterized as individuals and persons representing social service organizations and

public officials who desire the availability of paratransit service. The statements entered are representative of the counties of Armstrong, Indiana, Westmoreland, Butler, Clearfield, Clarion, Forest, Jefferson, Venango, Elk, Beaver, Mercer, Washington and Lawrence, all of which are entirely or partially within the 50-mile radius proposed by the applicant. Two statements were entered which state a requirement for service in the counties of Warren and Crawford, however, those counties are beyond the 50-mile territory. The applicant has not provided statements which specifically mention Allegheny County, Cambria County, Somerset County or Washington County. Three statements have been entered, however, which speak to a need for service within the entire 50-mile radius. It is our determination after examination of the record that the applicant has provided representative evidence which is sufficient to cover the territory proposed. All the statements indicate a need for paratransit service in this area, particularly service provided in vans equipped with doors and ramps to accommodate wheelchairs.

Turning our attention to the restrictive amendment which was entered to secure the withdrawal of the one protestant, we find that its inclusion in the authority to issue is unnecessary. The restrictive amendment excludes service between points in Centre County and from points in Centre County. Centre County is a point beyond the 50-mile territory proposed by the applicant. The applicant is not permitted to provide service between points in Centre County by virtue of the way the application has been filed. Service cannot be provided from Centre County unless the service originated in a county within the 50-mile radius of the Armstrong County Courthouse. The only service which would be authorized from Centre County would be "return" service from that county for transportation which originated in the 50-mile radius.

We find:

1. The applicant has transportation experience, has equipment and has the financial capacity to render the proposed service.
2. The applicant has garnered public support for this application and that support is representative of the territory proposed.
3. Inclusion of the restrictive amendment to secure the withdrawal of the single protest is unnecessary as Centre County, which is subject in the restrictive amendment, is a county beyond the 50-mile radius of the Armstrong County Courthouse as proposed in the application.
4. Approval of the application to authorize Barker Brothers, Inc., to provide paratransit service in this territory is proper for the accommodation and convenience of the public; THEREFORE,

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

To transport, as a common carrier, persons in paratransit service between points within an airline distance of fifty (50) statute miles of the Armstrong

County Courthouse in the borough of Kittanning, Armstrong County, and from points in the said territory to points in Pennsylvania, and return;

subject to the following condition:

That no right, power or privilege is granted to provide service between points in the county of Allegheny.

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

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 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.

IT IS FURTHER ORDERED: That upon compliance with the requirements hereinbefore set forth, a certificate shall 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 service of the order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



Jerry Rich  
Secretary

(SEAL)

ORDER ADOPTED: April 11, 1991

ORDER ENTERED: APR 13 1991

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

IN THE MATTER OF THE APPLICATION OF: A. 00109425, Folder 1

BARKER BROTHERS, INC., a corporation of the Commonwealth of PA

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accomodation, convenience and safety of the public and hereby issues to the applicant this **CERTIFICATE OF PUBLIC CONVENIENCE** evidencing the Commission's approval of the right to operate as a common carrier.

*In Witness Whereof,* The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 18th day of JUNE, 1991.



Secretary

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held April 9, 1992

Commissioners Present:

David W. Rolka, Chairman  
Wendell F. Holland

Application of Barker Brothers, Inc., a corporation of the Commonwealth of Pennsylvania, for the additional right to transport as a common carrier, by motor vehicle, persons in call or demand service, in the boroughs of Elderton, Ford City, Ford Cliff, Freeport, Rural Valley, Kittanning, West Kittanning, Atwood, Manorville, Applewold and Worthington, and the townships of West Franklin, East Franklin, Rayburn, Valley, Cowanshannock, Plum Creek, Kittanning, Manor, North Buffalo, Cadogan and South Buffalo, all in Armstrong County; and in the boroughs of Brackenridge and Tarentum and the townships of Harrison, Fawn, Frazer and East Deer, Allegheny County; which is to be a transfer of the right authorized under the certificate issued at A-00105421, F. 1, to John M. Dunham, t/d/b/a John M. Dunham Transportation, subject to the same limitations and conditions.

A-00109425  
F. 2

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James H. Norris for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission by an application for transfer of operating authority filed on January 24, 1992, and published in the Pennsylvania Bulletin of March 14, 1992. There are no protests and the record is now certified to the Commission for its decision without oral hearing.

In addition to this application for permanent authority, the applicant also filed applications for emergency temporary authority and temporary authority to operate the right of the transferor, pending disposition of this permanent authority application. The application for emergency temporary authority, docketed at Folder 6000, was denied by our order adopted on February 27, 1992, for failure to have established an immediate need. The

application for temporary authority is pending and will be dismissed as the result of the disposition of the instant application for permanent authority.

The authority which is the subject of transfer here, consists of call or demand taxi service in certain townships and boroughs in Armstrong and Allegheny Counties. In addition to this authority, John M. Dunham, t/d/b/a John M. Dunham Transportation (or transferor), holds other authority at A-00109425, F. 2, authorizing him to provide airport transfer service from the borough of Kittanning, Armstrong County, and within a 35 airline mile radius thereof, to the Allegheny County Airport and the Greater Pittsburgh International Airport in Allegheny County. In addition to this application for transfer of the call or demand authority at F. 1, the applicant also filed a companion application docketed at A-00109425, F. 3, for transfer of the airport transfer authority held by the transferor at F. 2. By virtue of both applications, the transferor is relinquishing all of its Pa. P.U.C. operating rights.

Barker Brothers, Inc. (or applicant) currently holds a certificate at A-00109425, F. 1, which authorizes it to provide paratransit service between points within a 50 airline mile radius of the Armstrong County Courthouse in the borough of Kittanning, Armstrong County, and from that area to points in Pennsylvania, and return. It conducts operations from a facility located at R.D. #2, Kittanning, Armstrong County.

William J. Barker, president of the applicant corporation, states that the owners of the applicant are also part owners of Barker, Inc., which has operated school bus service in Armstrong and Indiana Counties for the past 30 years. Other than this affiliation, neither the applicant nor its stockholders are in control of or affiliated with any other carriers regulated by this Commission.

The applicant proposes to begin furnishing service immediately upon approval of this application with three four door sedans and one seven passenger van. An unaudited balance sheet shows that as of September 30, 1991, the applicant had current assets of \$44,714, total assets of \$71,164, with current liabilities of \$32,759 and total liabilities of \$33,559, leaving stockholders' equity of \$37,605.

Under the terms of a sales agreement dated January 16, 1992, the applicant is purchasing both of the transferor's rights at Folders 1 and 2, together with a computer system, for the total sum of \$25,000. The sum of \$3,500 is allocated to the computer system, with \$10,750 allocated to each of the two operating rights. Settlement will be made within 14 days of receipt of our order approving the application.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly,

440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. That the applicant is fit, willing and able to provide the service proposed.
2. That transfer of the authority is in the public interest and is necessary for the continued 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 upon call or demand, in the boroughs of Elderton, Ford City, Ford Cliff, Freeport, Rural Valley, Kittanning, West Kittanning, Atwood, Manorville, Applevold and Worthington, and the townships of West Franklin, East Franklin, Rayburn, Valley, Cowanshannock, Plum Creek, Kittanning, Manor, North Buffalo, Cadogan and South Buffalo, all in Armstrong County; and in the boroughs of Brackenridge and Tarentum and the townships of Harrison, Fawn, Frazer and East Deer, Allegheny County;

subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$10,750, being the amount of the consideration payable by it for the rights and going concern value

attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.

4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
5. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. Section 1102(a)(3).

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 issuance of the certificate be withheld pending receipt of the 1991 Annual Report of the transferor.

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.

IT IS FURTHER ORDERED: That upon compliance with this order, the right granted the transferor, John M. Duuham, t/d/b/a John M. Duuham Transportation, at A-00105421, P. 1, be cancelled and the record be marked closed.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: April 9, 1992

ORDER ENTERED: APR 13 1992

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

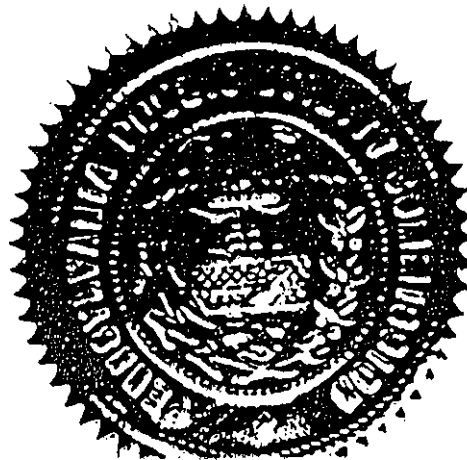
A-00109425, Folder 2

IN THE MATTER OF THE APPLICATION OF:

BARKER BROTHERS, INC.

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accomodation, convenience and safety of the public and hereby issues to the applicant this **CERTIFICATE OF PUBLIC CONVENIENCE** evidencing the Commission's approval of the right to operate as a common carrier.

*In Witness Whereof,* The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 27th day of APRIL, 1992.



*John B. Alford*

Secretary

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held April 9, 1992

Commissioners Present:

David W. Rolka, Chairman  
Wendell F. Holland

Application of Barker Brothers, Inc.  
for the transfer of a portion of the  
operating rights of John M. Dunham,  
t/d/b/a John M. Dunham Transportation  
under the certificate issued at  
A-00105421, F. 2 subject to the same  
limitations and conditions.

A-00109425  
F. 3

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James H. Norris for the applicant.

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O R D E R

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 24, 1992. Public notice of the application was given in the Pennsylvania Bulletin of March 14, 1992. The unopposed application is certified to the Commission for its decision without oral hearing and dismissing the temporary application.

In addition to this application for permanent authority, the applicant also filed applications for emergency temporary authority and temporary authority to operate the right of the transferor, pending disposition of this permanent authority application. The application for emergency temporary authority, docketed at Folder 6000, was denied by our order adopted on February 27, 1992, for failure to have established an immediate need. The application for temporary authority is pending and will be dismissed as the result of the disposition of the instant application for permanent authority.

The authority which is the subject of transfer here, consists of airport transfer service from the borough of Kittanning, Armstrong County, and within a 35 airline mile radius thereof, to the Allegheny County Airport and the Greater Pittsburgh International Airport in Allegheny County. In addition to this authority, John M. Dunham, t/d/b/a John M. Dunham Transportation (or transferor), holds other authority at A-00109425, F. 2, authorizing him to provide call or demand taxi service in certain townships and boroughs in Armstrong and Allegheny Counties. In addition to the application for transfer of the call or demand authority at F. 2, the applicant filed this

companion application docketed at A-00109425, F. 3. By virtue of both applications, the transferor is relinquishing all of its Pa. P.U.C. operating rights.

Barker Brothers, Inc. (Barkers) is a Pennsylvania corporation domiciled at R.D. #2, Box 51, Kittanning, Armstrong County. Applicant will operate three sedans and one passenger van. The applicant submitted an unaudited financial statement which shows total assets of \$71,164 with total liabilities of \$33,559 leaving stockholders' equity of \$37,605..

William J. Barker, president of the applicant corporation, states that the owners of the applicant are also part owners of Barker, Inc., which has operated school bus service in Armstrong and Indiana Counties for the past 30 years. Other than this affiliation, neither the applicant nor its stockholders are in control of or affiliated with any other carriers regulated by this Commission.

Under the terms of a sales agreement dated January 16, 1992, the applicant is purchasing both of the transferor's rights at Folders 1 and 2, together with a computer system, for the total sum of \$25,000. The sum of \$3,500 is allocated to the computer system, with \$10,750 allocated to each of the two operating rights. Settlement will be made within 14 days of receipt of our order approving the application.

A review of the record before us indicates that the applicant possesses the requisite experience, equipment and financial capacity to provide the proposed service.

The authority to be transferred has been operated by the transferor, therefore, it is presumed that there is a continuing public need, which may be overcome only by evidence to the contrary. In re: Byerly, 440 Pa. 521 (1970); Hostetter v. Pa. P.U.C., 160 Super. Ct. 94 (1947). Since the record is void of any such evidence, this presumption of continuing public need applies in this transfer proceeding.

We find:

1. The applicant is fit, willing and able to provide the service proposed.
2. Transfer of the authority is in the public interest and is necessary for the continued accommodation and convenience of the public;  
THEREFORE,

IT IS ORDERED: That the transfer application be and is hereby approved and that a certificate be issued granting the following right(s):

To transport, as a common carrier, persons in airport transfer service, from points in the borough of Kittanning, Armstrong County, and within an airline distance of 35 statute miles of the limits thereof, to the Allegheny County

Airport, in the borough of West Mifflin,  
Allegheny County, and the Greater Pittsburgh  
International Airport, in the township of Moon,  
Allegheny County;

subject to the following conditions:

That no right, power or privilege is granted  
to provide service from points in Westmoreland  
County lying on and south of Pennsylvania  
Highway Route 286.

That no right, power or privilege is granted  
to provide service between points in Allegheny  
County.

subject to the following general conditions:

1. That the approval hereby given is not to be understood as committing the Commission, in any proceedings that may be brought before it for any purpose, to fix a valuation on the property and rights to be acquired by applicant from the present certificate holder equal to the consideration to be paid therefor, or equal to any value that may be placed thereon by applicant, or to approve or prescribe rates sufficient to yield a return thereon.
2. That applicant shall not record in its utility accounts any amount representing the rights herein granted in excess of the actual cost of such rights to the original holder thereof.
3. That the applicant charge to Account 1550, Other Intangible Property, \$12,500, being the amount of the consideration payable by it for the rights and going concern value attributable thereto; less any amount recorded under condition 2 above; and subject to further adjustment due to any normal interim transactions to the date of actual transfer.
4. That the accounts of the transferee shall reflect the same book values as the records of the transferor at the effective date of the transfer, any previously recorded appreciation having been deleted therefrom; provided that the applicant shall not record in its utility accounts any amounts representing the rights herein granted in excess of the

actual cost of such rights to the original holder thereof.

5. That the operating authority granted herein, or now held or subsequently granted to the applicant to the extent that it is duplicative shall not be construed as conferring more than one operating right.
6. That the certificate holder shall not transfer, sell or in any way convey any of its outstanding capital stock to any individual, partnership, corporation or any entity, without the prior filing of an application and approval thereof by the Commission under 66 PA C.S.A. §1102(a)(3).

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

IT IS FURTHER ORDERED: That issuance of the certificate be withheld pending receipt of the 1991 Annual Report of the transferor.

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

IT IS FURTHER ORDERED: That the temporary authority application be dismissed.

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 this order, the rights granted the transferor, John M. Dunham, t/d/b/a John M. Dunham Transportation at A-00105421, F. 2 be cancelled and the record be marked closed.

BY THE COMMISSION,

  
John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: April 9, 1992

ORDER ENTERED: APR 13 1992

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION

A-00109425, Folder 3

IN THE MATTER OF THE APPLICATION OF:

BARKER BROTHERS, INC.

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accomodation, convenience and safety of the public and hereby issues to the applicant this **CERTIFICATE OF PUBLIC CONVENIENCE** evidencing the Commission's approval of the right to operate as a common carrier.

*In Witness Whereof,* The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 27th day of APRIL, 1922.



*John B. Alford*

Secretary

PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17105-3265

Public Meeting held June 4, 1992

Commissioners Present:

David W. Rolka, Chairman  
Joseph Rhodes, Jr., Vice-Chairman  
Wendell F. Holland, Commissioner

Request of Barker Brothers, Inc.  
to add a trade name.

A-00109425  
Pg. 1, 2, 3

O R D E R

BY THE COMMISSION:

This matter comes before the Commission upon letter-request of Barker Brothers, Inc. that its certificates of public convenience be changed to stand in the name of Barker Brothers, Inc., t/d/b/a Pittsburgh North Aire Ride pursuant to 52 Pa. Code §3.381(a)(6)(ii).

Upon review of the request, it appears that the necessary filings have been made; THEREFORE,

IT IS ORDERED: That the request be and is hereby approved and that the certificates issued to Barker Brothers, Inc. be changed to stand in the name of Barker Brothers, Inc., t/d/b/a Pittsburgh North Aire Ride.

IT IS FURTHER ORDERED: That the certificates holder shall effect the name change on its tariff filings with the Commission.

IT IS FURTHER ORDERED: That in the event said certificates holder has not effected the name change on its tariff filings within thirty (30) days from the date of service of this order, the request shall be deemed denied without further proceedings.

IT IS FURTHER ORDERED: That upon compliance with the requirements of this order, the certificates shall be endorsed in the name of Barker Brothers, Inc., t/d/b/a Pittsburgh North Aire Ride.

BY THE COMMISSION,



John G. Alford  
Secretary

(SEAL)

ORDER ADOPTED: June 4, 1992

ORDER ENTERED: June 11, 1992



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
1103 PITTSBURGH STATE OFFICE BUILDING  
300 LIBERTY AVENUE  
PITTSBURGH, PENNSYLVANIA 15222-1210

Telephone: (412) 565-3550  
FAX: (412) 565-5692

IN REPLY PLEASE  
REFER TO OUR FILE

January 13, 1999

Re: Application of Barker Brothers, Inc., t/d/b/a Pittsburgh North Aire Ride  
Docket No. A-00109425F0005

TO ALL PARTIES OF RECORD:

As you may know, on December 17, 1998, the Commission adopted its Final Decision in *Regulation of Group and Party Carriers*, Docket No. P-00981458. The Decision was entered on January 11, 1999, became effective upon its entry and is to be published in the Pennsylvania Bulletin.

In this Final Decision, as I understand it, the Commission determined that the Federal pre-emption of State regulation of the rates and services of charter bus transportation shall be applicable to all classes of group and party service in Pennsylvania, in vehicles carrying more than 15 passengers, including the driver. Further, as provided at page 9 of its Final Decision:

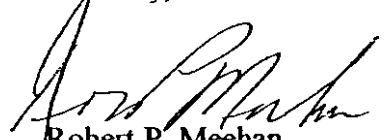
All currently certificated carriers providing group and party service will have the following right, beyond their existing rights:

To transport persons, in group and party service, in vehicles with seating capacities of more than 15, including the driver, between points in Pennsylvania.

As explained in footnote 9, "existing rights" will be applicable only to service provided in vehicles having a seating capacity of 15 passengers or less, including the driver.

In light of this Final Decision, please be advised that I do not intend to issue an Initial Decision in this proceeding. It is my opinion that this Final Decision grants the Applicant the right to provide the service proposed in the application.

Sincerely,

  
Robert P. Meehan  
Administrative Law Judge

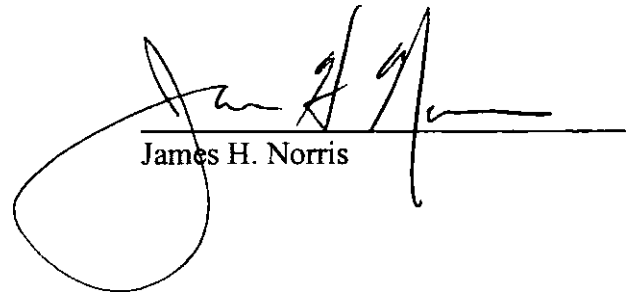
cc: Hon. Robert A. Christianson, CALJ  
File Room

CERTIFICATE OF SERVICE

I hereby certify that on the 3<sup>d</sup> day of October, 2003, a true and correct copy of the foregoing Protest was served upon the following person in accordance with the requirements of 52 Pa. Code § 1.54:

By First Class U.S. Mail/Postage Prepaid:

Corry Cab Company  
127 Park Street  
Corry, Pennsylvania 16407

  
James H. Norris

RECEIVED  
2003 OCT -6 AM 11:10  
SECRETARY'S BUREAU

# ZATOR LAW OFFICES

THE JAINDL BUILDING  
4029 WEST TILGHMAN STREET  
ALLENTOWN PA 18104



JOSEPH A. ZATOR II  
ANDREW D. HOFFMAN  
JOHN T. MARCHETTO  
CHRISTOPHER M. MCLEAN

TELEPHONE 610-432-1900  
TELEFAX 610-432-1707  
E-MAIL zatorlaw@aol.com

October 6, 2003

**TRANSMITTED VIA CERTIFIED MAIL  
RETURN RECEIPT REQUESTED**

**RECEIVED**

OCT 06 2003

Hon. James J. McNulty, Secretary/Prothonotary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
P.O. Box 3265  
Harrisburg, PA 17105-3265

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

**RE: Corry Cab Company t/d/b/a Corry Cab Company  
Docket No. A-00117072, Folder 3**

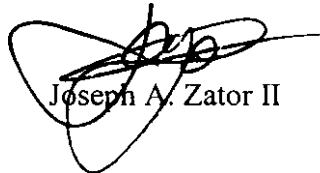
Dear Mr. McNulty:

Enclosed is a Protest of the above-captioned Application filed on behalf of St. Marys Ambulance Service, Inc.

By copy of this letter, a copy of this Protest has been served on the applicant named below in accordance with the Commission's Rules of Practice.

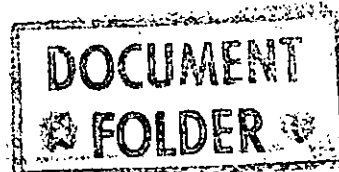
Please acknowledge receipt of the enclosures on the duplicate of this letter of transmittal and return it in the stamped, self-addressed envelope provided. Thank you.

Very truly yours,

  
Joseph A. Zator II

JAZ:ss  
Enclosure  
cc: Corry Cab Company t/d/b/a Corry Cab Company  
127 Park Street  
Corry, PA 16407  
cc: Robert Sorg/Sue Dippold

F:\Data\Suzanne\RST\Clients\SClients\St\_Marys\McNulty\Corry.wpd  
October 6, 2003 (8:20am)



RECEIVED  
BUREAU OF  
TRANSPORTATION & SAFETY  
2003 OCT -9 PM 1:33

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RECEIVED

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

OCT 06 2003

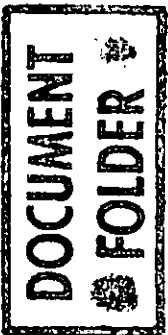
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

IN RE: APPLICATION OF	)	
CORRY CAB COMPANY	)	Docket No. A-00117072
t/d/b/a CORRY CAB COMPANY	)	Folder 3

**PROTEST OF ST. MARYS AMBULANCE SERVICE, INC**

In accordance with the Rules of Practice of the Pennsylvania Public Utility Commission, the carrier named herein (the "Protestant") desires to protest the above application and requests that the application be assigned for oral hearing and in support thereof, respectfully represents:

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 is:

St. Marys Area Ambulance Service  
773 Johnsonberg Road  
St. Marys, PA 15857

**DOCKETED**

OCT 06 2003

3. The name, address and telephone number of Protestant's attorney is:

Zator Law Offices  
Joseph A. Zator II, Esquire  
4029 W. Tilghman Street  
Allentown, PA 18104  
(610) 432-1900

4. Protestant holds authority in conflict with this application as summarized in Appendix "B" attached hereto.

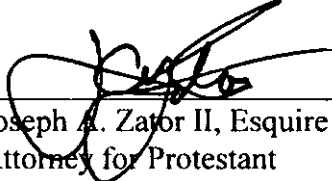
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TRANSPORTATION & SAFETY  
2003 OCT -9 PM 1:33

5. Approval of this Application is neither necessary nor proper for the service, accommodation, safety or convenience of the public because: (a) Protestant presently holds authority to provide service in portions of Elk County, (b) Protestant is providing adequate service to the public in the areas involved in this Application that overlap with Protestant's authority, (c) there is no need for the service proposed by Applicant in the portions of Elk County where service is provided by Protestant and approval of the Application relating to those portions of Elk County will result in the diversion from existing carriers of revenue necessary to sustain their existing operations, and (d) approval of the Application relating to those overlapping portions of Elk County will adversely affect Protestant who has a substantial investment in facilities and equipment and is willing and able to provide service in the Application area covered by Protestant's authority.

6. Protestant requests 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, Protestant will appear and present evidence of Protestant's own operations and particular interests unless this Application is amended so as to eliminate those interests as set forth in this Protest.

7. Pursuant to Section 333(c) of the Public Utility Code (66 Pa. C.S.A. Sec. 333(c)), Protestant hereby requests 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 Applicant.

Respectfully submitted,  
ZATOR LAW OFFICES

By:   
Joseph A. Zator II, Esquire  
Attorney for Protestant

**A-00117072, Folder 3. Corry Cab Company t/d/b/a Corry Cab Company** (127 Park Street, Corry, Erie County, PA 16407), a corporation of the Commonwealth--persons in paratransit service, between points in the counties of Erie, Crawford, Mercer, Venango, Warren, Forest, McKean, Elk, Clarion, and Jefferson, and from points in said counties, to points in Pennsylvania, and return.

APPENDIX "A"

St. Marys Ambulance Service, Inc.

To transport, as a common carrier, persons in paratransit service, between points in the city of St. Mary's, Elk County, and points in Elk County which are located within an airline distance of fifteen (15) statute miles of the limits of said city, and from points in said territory, to points in Pennsylvania, and vice versa.

**APPENDIX "B"**

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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IN RE:	)	
	)	
Application of	)	Docket No. A-00117072
ST. MARYS AMBULANCE	)	Folder 3
SERVICE, INC.	)	

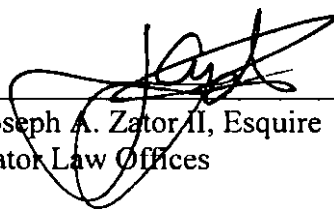
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**CERTIFICATE OF SERVICE**

This is to certify that the foregoing Protest of St. Marys Ambulance Service, Inc. was mailed by First Class United States Certified Mail, Postage Prepaid this 6<sup>th</sup> day of October, 2003, upon the following parties:

Corry Cab Company  
t/d/b/a Corry Cab Company  
127 Park Street  
Corry, PA 16407

Honorable James J. McNulty, Secretary  
Pennsylvania Public Utility Commission  
P.O. Box 3265  
Harrisburg, PA 17105-3265

By:   
Joseph A. Zator II, Esquire  
Zator Law Offices

Law Offices

# VUONO & GRAY, LLC

John A. Vuono  
William A. Gray  
Mark T. Vuono\*  
Dennis J. Kusturiss  
Christine M. Dolfi  
Louise R. Schrage  
Susan C. Indrisano+  
\*Also Admitted in Florida  
+Also Admitted in Maryland

2310 Grant Building  
Pittsburgh, PA 15219-2383

October 10, 2003

Richard R. Wilson  
*of Counsel*

Telephone  
412-471-1800

Facsimile  
412-471-4477

ORIGINAL

Re: Corry Cab Company t/d/b/a Corry Cab Company  
Docket No. A-00117072, F. 3

RECEIVED

Mr. James J. McNulty  
Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

OCT 14 2003

DOCUMENT FOLDER  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

Dear Mr. McNulty:

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 certified 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 & GRAY, LLC

William A. Gray

pZ/28388

Enclosure

cc: Corry Cab Company t/d/b/a Corry Cab Company (w/enc.)  
Tri-State Emergency Systems, Inc. t/d/b/a EmeryCare  
West County Paramedic Association

RJP

RECEIVED

OCT 14 2003

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

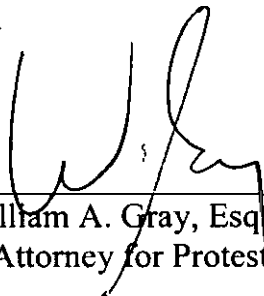
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IN RE: )  
 )  
 Application of ) Docket No. A-00117072, F. 3  
 CORRY CAB COMPANY t/d/b/a )  
 CORRY CAB COMPANY )

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CERTIFICATE OF SERVICE

William A. Gray, attorney for Protestants Tri-State Emergency Systems, Inc. t/d/b/a EmeryCare and West County Paramedic Association, hereby certifies that on the 10<sup>th</sup> day of October, 2003 he did serve the original and two (2) true and correct copies of the foregoing Interrogatories upon the applicant, Corry Cab Company, 127 Park Street, Corry, PA 16407, by certified mail, postage prepaid.

  
 \_\_\_\_\_  
 William A. Gray, Esq  
 Attorney for Protestants

VUONO & GRAY, LLC  
 2310 Grant Building  
 310 Grant Street  
 Pittsburgh, PA 15219

/28388

ORIGINAL



**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Office Of Administrative Law Judge  
P.O. Box 3265, Harrisburg, PA 17105-3265

IN REPLY PLEASE  
REFER TO OUR FILE

November 6, 2003

In Re: **A-00117072F0003**

(See attached list)

**Application of Corry Cab Company, t/d/b/a Corry Cab Company**

For the additional right to transport, as a common carrier, by motor vehicle, persons n paratransit service, between points in the counties of Erie, Crawford, Mercer, Venango, Warren, Forest, McKean, Elk, Clarion and Jefferson, and from points in said counties, to points in Pennsylvania, and return.

**Hearing Notice**

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

**Type: Initial**

**Date: Tuesday, January 6, 2004**

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

**Location: 11th floor hearing room  
Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, Pennsylvania**

**Presiding: Administrative Law Judge Michael A. Nemec  
1103 Pittsburgh State Office Building  
300 Liberty Avenue  
Pittsburgh, PA 15222  
Telephone: (412) 565-3550  
Fax: (412) 565-5692**

DOCUMENT  
FOLDER

**DOCKETED**

NOV 20 2003

**Attention:** You may lose the case if you 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.

Individuals representing themselves do not need to be represented by an attorney. All others (corporation, partnership, association, trust or governmental agency or subdivision) must be represented by an attorney. An attorney representing you should file a Notice of Appearance before the scheduled hearing date.

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 the scheduling office 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 Nemeč  
Steve Springer, Scheduling Officer  
Beth Plantz  
Docket Section  
Calendar File