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COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION FEB 06 2004

Application of
CORRY CAB COMPANY t/d/b/a
CORRY CAB COMPANY

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Docket No.:
A-00117072F0003

DOCKETED

MAR 08 2004

Public Utilities Commission
Pittsburgh State Office
Building
300 Liberty Avenue
Pittsburgh, PA 15222

Friday, January 16, 2004
Commencing at 10:00

BEFORE:

MICHAEL A. NEMEC, Administrative Law Judge

APPEARANCES:

EDWARD J. BETZA, Esquire
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Erie, PA 16509
For Corry Cab, Co.

ORIGINAL

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For Tri-State Emergency Systems

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Pittsburgh, PA 15219
For Barker Brothers

REPORTER: BETH A. DUZZNY

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P R O C E E D I N G S

1
2 -----
3 JUDGE MICHAEL A. NEMEC:

4 This morning, we have a case that's
5 captioned, Application of Corry Cab Company, trading
6 and doing business as Corry Cab Company, Docket
7 A-00117072F0003. Present on behalf of Corry Cab is
8 Attorney Edward Betza; is that correct, sir?

9 ATTORNEY BETZA:

10 That is correct, Your Honor.

11 JUDGE NEMEC:

12 And on behalf of Protestant, Tri-State
13 Emergency Systems, Inc., is Attorney William Gray. On
14 behalf of Barker Brothers, Incorporated, Attorney
15 James Norris. My name is Michael Nemec. I'm an
16 Administrative Law Judge with the Pennsylvania Public
17 Utility Commission. I've been assigned to conduct the
18 initial hearing and any subsequent hearings that may
19 be required in this application proceeding. Mr.
20 Betza, I believe you have some preliminary matters to
21 deal with, in terms of restrictive amendments. I've
22 certainly been receiving them in the mail.

23 ATTORNEY BETZA:

24 Well, Your Honor, I'll actually defer to
25 Mr. Norris on this because he's our --- well, I take

1 it back. I'm going to actually give you something
2 that we're going to tinker with. This is a
3 restrictive amendment that was prepared by Attorney
4 Gray that does accurately summarize all of the other
5 amendments. In essence, Your Honor, we would only be
6 originating pickups from one of nine counties that are
7 enumerated in the first paragraph. It would only go
8 to one of four counties enumerated down below,
9 Allegheny, Butler, Erie and Crawford. There would be
10 no points from --- to Venango, which actually is
11 already covered by --- we could only go to the one of
12 the four. Anything south of I-80 and Jefferson would
13 not be a place of pick up.

14 JUDGE NEMEC:

15 Okay. Is it your intent to do something
16 further with this, then submit it?

17 ATTORNEY BETZA:

18 Yes, Your Honor. Attorney Norris has an
19 additional paragraph, which essentially, as I
20 understand it, as I've read it, indicates that if one
21 of those provisions is stricken for some reason by the
22 Commission, that we would have another hearing and
23 they would have an opportunity to ---.

24 ATTORNEY NORRIS:

25 What the stipulation has --- and I'll

1 just read what I wrote. Further, Corry Cab Company
2 hereby stipulates and agrees that if the Pennsylvania
3 Public Utility Commission rejects or modifies this
4 restrictive amendment in any way, Corry Cab Company
5 shall be required to have a hearing on the merits of
6 this application before the Administrative Law Judge
7 with Barker Brothers, trading and doing business as
8 Pittsburgh North Aire Ride, participating as a
9 Protestant before any rights may be granted to it or
10 it shall render any such service. And clearly, myself
11 on behalf of Barker Brothers are only withdrawing our
12 protest ---.

13 JUDGE NEMEC:

14 Subject to adoptions, I believe.

15 ATTORNEY NORRIS:

16 Yes.

17 JUDGE NEMEC:

18 Yes. And that's pretty standard, as I
19 understand it. And that's fine. Do you agree to that
20 stipulation?

21 ATTORNEY BETZA:

22 Yes. That's what we talked about and
23 that's fine.

24 JUDGE NEMEC:

25 That's fine. It's now on the record.

1 You have a stipulation. As far as I'm concerned, I'll
2 incorporate that into my initial decision. Okay. You
3 don't have to write it out. Is this otherwise
4 acceptable to your client?

5 ATTORNEY BETZA:

6 It is, Your Honor.

7 JUDGE NEMEC:

8 Okay. Why don't you sign it and we'll
9 make copies of it later and make it an exhibit in the
10 record. And that's the only restrictive amendment; is
11 that right?

12 ATTORNEY BETZA:

13 That is correct, Your Honor.

14 JUDGE NEMEC:

15 Okay. We'll make copies and make sure
16 that everybody gets a copy and go with that. All
17 right. Anything else of a preliminary nature?

18 ATTORNEY BETZA:

19 I do not have anything, Your Honor.

20 ATTORNEY NORRIS:

21 I have no other --- may I ---?

22 JUDGE NEMEC:

23 You may be excused. Let's take a two-
24 minute break while I copy this. Okay. And we'll get
25 that taken care of and then we'll move on.

1 SHORT BREAK TAKEN

2 JUDGE NEMEC:

3 Okay. You may proceed.

4 ATTORNEY BETZA:

5 Okay. Ma'am, would you please state your
6 full name?

7 JUDGE NEMEC:

8 Oh, well, first of all ---.

9 ATTORNEY BETZA:

10 We need to swear her in.

11 JUDGE NEMEC:

12 You called her. And your name is?

13 MS. PATTERSON:

14 Beverly Patterson.

15 JUDGE NEMEC:

16 Ms. Patterson, if you'd raise your right
17 hand.

18 -----

19 BEVERLY PATTERSON, HAVING FIRST BEEN DULY SWORN,

20 TESTIFIED AS FOLLOWS:

21 -----

22 JUDGE NEMEC:

23 You may proceed.

24 ATTORNEY BETZA:

25 Thank you, Your Honor.

1 DIRECT EXAMINATION

2 BY ATTORNEY BETZA:

3 Q. Ms. Patterson, you are the Applicant today;
4 correct?

5 A. Yes.

6 Q. And what business do you currently operate?

7 A. The Corry Cab Company.

8 Q. And how long have you operated the Corry Cab
9 Company?

10 A. I finished three years in December.

11 Q. What type of service does Corry Cab Company
12 provide?

13 A. It's a call and demand taxi service.

14 Q. And what is your current territory?

15 A. A 12-mile radius from the outer limits of the City
16 of Corry.

17 Q. And you are here today requesting permission to
18 operate a paratransit service; correct?

19 A. Yes.

20 Q. And would you describe for the Judge exactly what
21 is your plan? What are you trying to do?

22 A. Well, in the three years since we had the cab
23 business, we've had requests that I had to refer to
24 another cab company, Hanson's Errand Service. So at
25 the association meeting, I asked them, what do I have

1 to do to be able to do these calls that I'm referring
2 away. And I was told to apply for my paratransit
3 license, which I did, not knowing it would go this
4 far. But all we want to do is just be able to take
5 the calls that come into our phone to provide
6 transportation in northwestern Pennsylvania.

7 Q. Now, we've had talks before today and also this
8 morning with the Judge. You are seeking to go to one
9 of four counties, specifically through the amendment,
10 you would be going to Erie, Crawford, Butler or
11 Allegheny. Why are those the counties that you've
12 selected to take people to?

13 A. We already, in the Corry area, we take people to
14 Butler County for medical exams. We take people to
15 Allegheny County for medical exams. We go to the
16 Pittsburgh Airport. We go to the Erie Airport. And
17 we've transported to Meadville. I have not had
18 requests to go to any other counties.

19 Q. Now, in an effort to try and expedite as much as
20 we can, are you getting requests for independent
21 medical examinations?

22 A. I get requests for that. I get requests for
23 airport transportation and also for therapy.

24 Q. With regard to the independent medical
25 examinations, what counties would you be taking

1 someone to, or you are being asked to take someone to?

2 A. They're mostly Erie, Butler and Allegheny.

3 Q. Do you get requests for Crawford?

4 A. Only once.

5 Q. With regard to --- you mentioned requests for

6 airport services. Where are those airports in

7 Pennsylvania that you're being asked to take someone

8 to?

9 A. Erie and Pittsburgh. And we did take someone to
10 the Titusville Airport.

11 Q. With regard to your operation, how many cabs do
12 you currently have?

13 A. We have three.

14 Q. And what kind of vehicles are these?

15 A. Two are four-doors and the other one is a station
16 wagon.

17 Q. Do you have any medical equipment that may be
18 present on an ambulance in any of those three
19 vehicles?

20 A. No.

21 Q. Is it your intention or desire to add any of that
22 type of equipment onto your vehicles?

23 A. No.

24 Q. With regard to the types of services you provide,
25 or that you're seeking to provide, would the drivers

1 of the vehicles be trained in any field, paramedic,
2 nursing, doctor, anything along those lines?

3 A. No.

4 Q. Now you identified --- you mentioned a company to
5 Hanson's. Are there any other companies that you're
6 aware of that provide the type of service that you're
7 seeking to provide in northwest Pennsylvania?

8 A. Yellow Cab provides it. Hanson provides it. A
9 gentleman in North East provides it. In Pittsburgh, I
10 think there is one called Yarnell (phonetic) that
11 comes up to Erie on a regular basis. There are a lot
12 of companies that provide this service.

13 Q. Are you aware if any of those companies that you
14 identified filed objections to this case?

15 A. No, none of them did.

16 ATTORNEY BETZA:

17 Your Honor, that's all the questions I
18 have.

19 JUDGE NEMEC:

20 You may cross examine.

21 ATTORNEY GRAY:

22 Thank you, Your Honor.

23 CROSS EXAMINATION

24 BY ATTORNEY GRAY:

25 Q. Ms. Patterson, do I understand your testimony to

1 be that what you really want to do, and the only thing
2 that you really want to do in this case is, you want
3 to provide service for independent medical
4 examinations, sometimes referred to as IMEs, and you
5 want to provide service to Pittsburgh International
6 Airport and to Erie International Airport for other
7 than independent medical examinations? Am I correct
8 about that?

9 A. Yes.

10 Q. Okay. How many public witnesses do you have here
11 today, supporting your application?

12 A. Just one.

13 Q. Who is that?

14 A. Her name is Carol DeSantis, with the State
15 Workers' Insurance Fund.

16 Q. Do you, today, and have you in the past, provided
17 service for the State Workers' Insurance Fund?

18 A. Just once.

19 Q. One time only?

20 A. Yes.

21 Q. When was that?

22 A. I didn't bring those records with me.

23 Q. About when?

24 A. It was probably in 2000.

25 Q. So some three years ago, you did handle one trip

1 for the State Workers' Insurance Fund. But since
2 then, you have not handled any?

3 A. No. It would have to come out of my 12-mile
4 radius.

5 Q. No, I'm saying, do you do that, do you do service
6 for the State Workers' Insurance Fund within your 12-
7 mile radius?

8 A. No, I have not had any need to.

9 Q. But you could do that under your existing taxicab
10 authority; correct? You could provide service for the
11 State Workers' Insurance Fund, as long as the trip
12 originated within 12 miles of Corry?

13 A. Yes.

14 Q. But they haven't called upon you, the State
15 Workers' Insurance Fund, has not called upon you to
16 provide any service to it, originating within the 12-
17 mile radius of Corry?

18 A. No.

19 Q. Okay. The one trip that you did handle in 2000,
20 was it a trip outside of the 12-mile radius of Corry
21 or within the 12-mile radius of Corry?

22 A. It was originated within my territory.

23 Q. Am I correct that to the extent that someone wants
24 to go to an IME that would originate within the 12
25 miles of Corry, I know you perhaps haven't done those,

1 but you understand that you could do those under your
2 taxi authority, as long as you charged your taxicab
3 rates?

4 A. We do that currently.

5 Q. So you do take some people to independent medical
6 examinations under your existing authority with your
7 taxicabs?

8 A. Right.

9 Q. And you charge them your taxicab rates; correct?

10 A. Yes.

11 Q. What are your taxicab rates?

12 A. The first mile is \$2.50, additional miles are 30
13 cents per fifth of a mile, waiting time after three
14 minutes is 25 cents per minute.

15 Q. I'm going to mark your taxicab tariffs, just
16 because it sets forth your rates and your authority so
17 that you can use that in this proceeding.

18 ATTORNEY GRAY:

19 Your Honor, may I have marked as
20 Protestant's Cross Examination Exhibit One, a two-page
21 tariff of Corry Cab Company?

22 JUDGE NEMEC:

23 It may be so identified.

24 (Protestant's Cross Examination Exhibit
25 One marked for identification.)

1 BY ATTORNEY GRAY:

2 Q. Ms. DeSantis, I simply want you to look at this,
3 what's been marked as Protestant's Cross Examination
4 Exhibit One, and advise me whether that is a correct
5 copy of your tariff on file with the PUC.

6 A. You said Ms. DeSantis. Do you mean me?

7 Q. I'm sorry. Ms. Patterson. Ms. DeSantis is on
8 deck.

9 A. Yes, this is my tariff.

10 Q. Does it correctly set forth your taxicab authority
11 on the center of the first page?

12 A. Yes.

13 Q. And that authority is, I believe that you
14 indicated, is taxicab authority is within 12 miles of
15 Corry?

16 A. Correct. Yes.

17 Q. And you understand, under the taxicab regulations,
18 that gives you the right to go from that area to
19 anywhere in Pennsylvania or from anywhere in
20 Pennsylvania back to that area?

21 A. Yes.

22 Q. Okay. So you don't really need any paratransit
23 authority in that area, correct, because you already
24 are providing that service under your taxicab
25 authority; correct?

1 A. Yes.

2 Q. And are the rates set forth on page two the rates
3 that you are presently charging the public for taxicab
4 service and specifically for service involving
5 independent medical examinations?

6 A. Yes. We haven't veered from that at all.

7 Q. Do you have, Ms. Patterson, any business or social
8 relationship with Ms. DeSantis?

9 A. Not social, no.

10 Q. Business? Are you involved in any businesses ---?

11 A. The state provides the Workers' Comp carriers for
12 myself.

13 Q. How long have you known Ms. DeSantis?

14 A. Probably since 1989.

15 Q. Has the state provided your Workers' Comp
16 insurance under the state plan since then or was it
17 after that when it first started?

18 A. We also went through briefly, an agency and have
19 been insured in the past with the State Fund.

20 Q. Do I understand your testimony correctly that you
21 would provide any paratransit service for these
22 independent medical exams or the service to the
23 airport that you mentioned, you would provide that
24 service in the taxicabs that you presently have?

25 A. Yes.

1 Q. You don't intend to go out and buy new equipment
2 to provide this service; correct?

3 A. No, but we would upgrade our equipment as needed.

4 Q. Okay. By that, you mean, if a taxicab needed
5 replaced with a new taxicab, you would do that?

6 A. Yes.

7 Q. Your taxicabs are not specially equipped in any
8 way to handle wheelchairs, are they?

9 A. No.

10 Q. They don't have, do they, any sort of specialized
11 equipment on them?

12 A. No.

13 Q. And you don't intend to do that; correct? You
14 don't intend to equip them with any specialized
15 medical apparatus?

16 A. No.

17 Q. You indicated, I believe, in response to a
18 question from your attorney that you have taken people
19 for medical exams in Butler and Allegheny Counties; is
20 that correct?

21 A. Yes.

22 Q. Tell me about that. Those were for IMEs,
23 independent medical exams?

24 A. I take a gentleman once a month to Allegheny
25 County for a doctor's appointment.

1 Q. And is within the 12-mile radius of Corry?

2 A. Yes.

3 Q. So you take him and he --- what does he pay for
4 that under the taxicab tariff that you have?

5 A. I bill his expense.

6 Q. Under your taxicab tariff?

7 A. Yes.

8 Q. So you have done some of these trips involved in
9 independent medical examinations or other medical
10 services, you have done those under your taxicab
11 authority, charging your taxicab rates in the past,
12 and that's worked out fine; correct?

13 A. Yes.

14 Q. And do I understand that you have not provided
15 services out of the 12-mile radius of Corry? You have
16 not originated any service outside of that 12-mile
17 radius?

18 A. No.

19 Q. I assume that you intend to utilize the same
20 facilities that you have now, if this service is
21 approved, you'll provide the service from the same
22 facility. You don't intend to build any new
23 facilities for this service?

24 A. No.

25 Q. You indicated in response to one --- to a question

1 from your attorney that you at one time took someone
2 to the Titusville Airport. Where did that trip
3 originate?

4 A. I believe at Corry Airport.

5 Q. So that was a caller demand trip under your
6 existing authority; correct?

7 A. Yes.

8 Q. Your attorney, it think, had mentioned the name
9 Hanson's. I want to inquire about that. Is there a
10 company named Hanson's Delivery Service that provides
11 the same type of service in the Erie County area?

12 A. Hanson's Errand Service.

13 Q. Errand Service.

14 A. Yes.

15 Q. And do they provide the same type of service ---
16 do you know whether they provide service in connection
17 with independent medical exams? Do you know whether
18 they do?

19 A. I know they have a paratransit license. I'm
20 figuring they must, but I don't have any firsthand
21 knowledge of what they do.

22 Q. Is there any particular reason why you did not
23 just expand your taxicab authority to provide the
24 service that you want to provide. In other words, you
25 said earlier, I'm providing the same service within 12

1 miles of Corry under my taxicab authority and that's
2 worked out fine. Why didn't you just expand your
3 taxicab authority, since what you're going to do is
4 use taxicabs? Why didn't you expand your taxicab
5 authority to service more than 12 miles of Corry?

6 A. For a call and demand service and being in a rural
7 area, it wouldn't have been cost effective. I
8 wouldn't want to drive 25 miles to take someone two
9 miles. So it didn't make sense.

10 Q. But you could have to drive 25 miles under this
11 application to pick someone up and take them a short
12 distance; correct? You could have to drive, for
13 example, to North East to take someone to an
14 independent medical examination in North East;
15 correct?

16 A. I probably wouldn't do that type of call.

17 Q. You may have to pick somebody up in Meadville and
18 take them to an IME in Meadville; correct, if this
19 authority is granted?

20 A. I thought we had a choice on picking people up in
21 this.

22 Q. In other words, you might --- just simply if it
23 was not in your mind to be economical, you would not
24 handle it?

25 A. I would do it if they wanted to pay from the time

1 my vehicle left Corry and got back to Corry, but I
2 wouldn't ---.

3 Q. And you thought about your tariff rate would be,
4 how you would set up your charges if this application
5 were approved?

6 A. I'll be honest with you. You first get your
7 certificate, then submit your tariff, and I'm going to
8 need help on a tariff if it's approved.

9 Q. So is the answer, at this point in time, you don't
10 know what rates you would charge?

11 A. I would not know how to structure it at this
12 point.

13 Q. Forgetting about how to structure it, you don't
14 have in mind yet what rates you're going to charge for
15 this service?

16 A. I always figured it would be similar to our
17 taxicab rates.

18 ATTORNEY GRAY:

19 That's all I have. Thank you very much,
20 Ms. Patterson.

21 A. You're welcome.

22 JUDGE NEMEC:

23 Before we went on the record this
24 morning, we discussed and distributed the restrictive
25 amendment. Are you familiar with that, Ms. Patterson?

1 A. Yes.

2 JUDGE NEMEC:

3 Okay. I take it that you've reviewed the
4 restrictive amendment and that the terms of that are
5 acceptable to you?

6 A. Yes, they are.

7 JUDGE NEMEC:

8 Okay. I'm going to mark this as ALJ
9 Exhibit One, so that we have it identified on the
10 record.

11 (ALJ Exhibit One marked for
12 identification.)

13 JUDGE NEMEC:

14 This restrictive amendment was the basis
15 for additional withdrawal by Mr. Norris with respect
16 to his client. Redirect?

17 ATTORNEY BETZA:

18 No, Your Honor.

19 ATTORNEY GRAY:

20 Your Honor, I'd move the admission of
21 Protestant's Cross Examination Number One.

22 ATTORNEY BETZA:

23 No objection.

24 JUDGE NEMEC:

25 Cross Examination Exhibit Number One is

1 admitted. Okay, ma'am, you're excused.

2 ATTORNEY BETZA:

3 Your Honor, I would call Carol DeSantis.

4 JUDGE NEMEC:

5 Okay. Ms. DeSantis, please have a seat.

6 Raise your right hand.

7 -----

8 CAROL DESANTIS, HAVING FIRST BEEN DULY SWORN,

9 TESTIFIED AS FOLLOWS:

10 -----

11 JUDGE NEMEC:

12 You may be seated.

13 DIRECT EXAMINATION

14 BY ATTORNEY BETZA:

15 Q. Ma'am, would you please state your full name?

16 A. Carol DeSantis, D-E-S-A-N-T-I-S.

17 Q. Are you currently employed?

18 A. Yes, I am.

19 Q. Where do you work?

20 A. State Workers' Insurance Fund.

21 Q. How long have you been employed with the State
22 Workers' Insurance Fund?

23 A. I've been an adjuster since 1982.

24 Q. And what areas do cover as an adjuster for the
25 State Workers' Insurance Fund?

1 A. We cover a nine-county area, Erie, Crawford,
2 Warren, Cameron, Elk, McKean, and Forest.

3 Q. And what type of work ---?

4 A. I'm sorry. That wasn't nine counties.

5 Q. What type of work --- what is your title with the
6 Department?

7 A. Claims adjuster.

8 Q. What does a claims adjuster for the State Workers'
9 Insurance Fund do?

10 A. We are a state agency strictly an insurance
11 company for Workers' Compensation. We receive injured
12 workers' reports in doing verification on the claim.
13 If the Claimant does not go back to work within a
14 reasonable amount of time, eventually, we will
15 schedule them for either an independent medical exam
16 or an impairment rating exam.

17 Q. And these independent exams, where do you schedule
18 them, where would they occur?

19 A. For the most part, we schedule either in Allegheny
20 County or Butler County. We will bring them from some
21 of our outlying counties into Erie County or Crawford
22 County if it would warrant coming there.

23 Q. Outside of those four counties, do you send any of
24 the Workers' Compensation claimants to any other
25 counties for an IME?

1 A. I think I have sent two claimants in my time
2 period to State College.

3 Q. But other than those two, it's always in one of
4 the four counties?

5 A. Yes.

6 Q. Now, in your capacity as the claims adjuster, do
7 you personally schedule the IMEs?

8 A. No.

9 Q. Briefly describe for the Judge, what happens. How
10 do you go about doing that?

11 A. I call and schedule the appointment and most of
12 the physicians will schedule maybe one day a week,
13 maybe certain time periods for an appointment. It
14 will often take us two or three months to get into
15 that appointment. Unfortunately, about 50 percent of
16 the time, we get to a day before the appointment and
17 either the claimant or if he's represented by an
18 attorney will call and determine that they're not
19 going. They don't have transportation, they don't
20 have any way to get there. At that point, we are in a
21 position of either providing transportation for them
22 or paying for a cancellation or a no-show fee. That
23 can range anywhere from \$250 up to the full price of
24 the exam, which could be in excess of \$1,000. You pay
25 for that, then you reschedule the appointment and hope

1 at that time --- if they go, then you pay for the
2 appointment again at that time.

3 Q. Now, you indicated about 50 percent of the time
4 you will get a call. Out of the number of independent
5 exams that you schedule, how many or what percentage
6 would you estimate --- you've identified that half of
7 them give you a last-minute call. Of the half that
8 haven't given you a last-minute call, how many of this
9 --- what percentage of that group do you also provide
10 transportation?

11 A. A lot of them will provide their own. A lot of
12 them will get a letter from their attorney as soon as
13 they receive our letter that they're going to need
14 transportation. We also have run into a situation
15 where the claimant doesn't go into the appointment.
16 Then we get into a litigation situation where we go
17 and the Workers' Compensation Judge says, yes, you
18 must attend the appointment, but the insurance company
19 must provide transportation.

20 Q. Just so I understand it, are you providing
21 transportation to these independent exams more than
22 half of the time?

23 A. I would say probably about half of the time.

24 Q. Now, Ms. Patterson has testified --- and we're
25 here today because of her request for a paratransit

1 license. Would you describe from your perspective
2 what need, if any, there is for this service in
3 northwest PA?

4 A. There is a need for it. My only transportation
5 company out there in Erie County is Hanson's Errand
6 Service, as previously mentioned. They are only
7 operating one vehicle. We've got another adjuster in
8 our office. There are various other insurance
9 companies in town, medical management people,
10 attorneys themselves and if they've already booked
11 Hanson for transportation on that particular day, and
12 I call and say, do you have anything tomorrow for me,
13 and they don't, then I'm in a position where, once
14 again, I've had to cancel the appointment or do
15 something. I mean, they're not going to go unless
16 they have transportation to get there.

17 Q. If there is a situation where you're referring
18 somebody to an independent medical examination and you
19 get transportation and it has to be cancelled, you
20 talked about fees you paid. Can you describe to us,
21 what happens with regard to the status of the Workers'
22 Compensation case?

23 A. Our policy holders paying into --- they pay a
24 premium every year, which is based on their
25 classification of the payroll that their business pays

1 out. We may have an employer that, their Workers'
2 Compensation premium may be \$240 a year --- a personal
3 care attendant. If I have to pay a \$300 cancellation
4 fee, that's pretty much wiped out that policyholder's
5 payment for that year. At that point, once they go
6 over that limit, everything that's being paid out on
7 this claim is basically coming out of an insurance
8 fund, basically coming, eventually, from the
9 employers, and the insurance companies would have to
10 pay into it. And ultimately, it falls down to the
11 taxpayers on the bottom line, are the ones that are
12 paying to keep all of this up. If I have to cancel
13 the IME and reschedule, that takes sometimes two or
14 three months before you can get them back in. During
15 that time period, we must continue paying compensation
16 to them. And all of that ends up going on the
17 employers' rating with their policy.

18 Q. Now, the claimants that are being asked to go to
19 IMEs by the State Workers' Insurance Fund, are they
20 from all over or are they located in certain areas?

21 A. They would be throughout our nine-county area.

22 Q. And does your fund also service other counties of
23 Pennsylvania?

24 A. We service the entire State of Pennsylvania. Our
25 district office serves the nine counties.

1 Q. And with regard to the counties outside of your
2 immediate jurisdiction, is the Fund having any
3 problems, regarding getting people to independent
4 medical exams?

5 ATTORNEY GRAY:

6 Objection, Your Honor. Unless the
7 witness testifies that she's authorized to testify to
8 something generally.

9 JUDGE NEMEC:

10 Objection is noted. Go ahead and give
11 your answer.

12 A. I had just meant, I have had people from our
13 Johnstown office and our Pittsburgh office call up and
14 ask. They may have somebody on one of the borders of
15 our counties in a county they service and who to use
16 for transportation and who can we get.

17 BY ATTORNEY BETZA:

18 Q. If you could describe --- just to prevent any
19 objections, what you know, describe what types of
20 problems you're having getting transportation to the
21 independent medical examinations. Give us a
22 particular day or a type of problem that arises for a
23 typical week, however you --- to the best of your
24 ability to do it.

25 A. I work with Hanson's Errand Service. If I have a

1 claimant where the claimant or their attorney calls me
2 at 4:30 in the afternoon and they're scheduled the
3 following day for an examination and I call Hanson's
4 up and say, can you do a transport for me and they're
5 already booked, then I really have nowhere to go. In
6 other counties, we're not aware of other people
7 providing transportation. And if, you know, we know
8 of somebody that can provide transportation in those
9 counties, then that gives us another option or another
10 avenue to maybe call somebody out and say, can you do
11 this transport for me.

12 Q. Now, you have talked --- you've identified the
13 financial ramifications of cancellation. And just so
14 we're all clear, in your experience, does the claimant
15 in a Workers' Compensation, do they get punished for
16 pulling the last-minute call on the eve of the exam
17 and say I don't have transportation? Do they lose
18 their benefits if a call of that type is done?

19 A. Actually, down the line, they might. The first
20 time they call and do this, if they have got a
21 reasonable excuse, which basically, we accept most
22 anything the first time we reschedule. If they miss
23 another examination, then at that point, a petition is
24 filed. It goes before the Workers' Compensation
25 Judge. The time frame on that would be, you file the

1 petition, it's a month before it's assigned. It might
2 another month before the Judge schedules the hearing,
3 at which point, the Judge would say, yes, you must go
4 to the examination. We reschedule, which may be
5 another month or two down the line. If they do not go
6 to that examination, then at that point, the Judge has
7 the authority to suspend their benefits. But it may
8 be four, five or six months that the claimant would be
9 collecting benefits before we could have them
10 examined.

11 Q. One final area I just wanted to touch on briefly.
12 When you first began testimony, you talked about two
13 different types of independent examinations. One, you
14 referred to --- I don't know if you used the initials
15 or the phrase, but an IRE. Would you explain to the
16 Judge, what is an IRE and what is its purpose in your
17 field?

18 A. After a claimant has been on compensation for 104
19 weeks, we get what we call an impairment rating
20 examination, which would be, we would schedule an
21 appointment and send them to a doctor, and the doctor
22 at that point would do a full body examination and
23 make a determination as to a percentage of disability.
24 If the percentage rating is over 50 percent, the
25 claimant remains on total Workers' Compensation. If

1 it is under 50 percent, they go on a \$500 week cap for
2 the compensation at that time.

3 Q. And this --- the doctors that you would utilize
4 for an IRE, would they be essentially within the same
5 counties as those for the IMEs?

6 A. Pretty much mostly, yes.

7 Q. And is this IRE, is this a fairly new thing to the
8 world of Workers' Compensation?

9 A. It came in about '97 or 1996.

10 Q. And so, if I understand correctly, after 104
11 weeks, that would have been two years, the first IRE
12 would have been performed, at its earliest, sometime
13 in 1998?

14 A. Correct.

15 Q. Are you seeing an increase in impairment rating
16 evaluations now than you would have in the late '90s
17 or early 2000s?

18 A. Yes. We are starting to do more of them through
19 the State Workers' Insurance Fund.

20 Q. And what is the reason you're doing more of them?

21 A. There has been case law that just recently came
22 down that the impairment rating exam must be done at
23 the 104-week time period. There was apparently some
24 misconception in the language prior to that and a lot
25 of companies thought that any time after 104 weeks,

1 you could get the exam, but the language now relates
2 that it must be within that 104-week time period.

3 Q. From your understanding, then, is the timing of
4 the impairment rating evaluation more crucial than
5 that of an independent medical examination?

6 A. Yes.

7 ATTORNEY BETZA:

8 Your Honor, I have no further questions.

9 JUDGE NEMEC:

10 You may cross examine.

11 ATTORNEY GRAY:

12 Thank you, Your Honor.

13 CROSS EXAMINATION

14 BY ATTORNEY GRAY:

15 Q. Good morning, Ms. DeSantis.

16 A. Good morning.

17 Q. Ms. DeSantis, are you authorized to testify today
18 in this proceeding on behalf of State Workers'
19 Insurance Fund?

20 A. I'm an employee of the State Workers' Insurance
21 Fund. I didn't --- I can testify to my dealings and
22 what I do on a daily basis.

23 Q. You did not receive authorization, though, from
24 anyone at the State Workers' Insurance Fund; correct?

25 A. My office manager knows I'm here.

1 Q. Did you get any authorization?

2 A. I'm not ---.

3 Q. I'm not saying there's anything wrong. I'm just
4 asking you a question. Did you get any authorization
5 from anyone to appear here today?

6 A. My office manager authorized me to be here.

7 Q. Who is your office manager?

8 A. Lou Padaney (phonetic).

9 Q. As I understand it, you're basically appearing
10 here today, testifying not for the State Workers'
11 Insurance Fund, but for your experience in connection
12 with trips that you've handled for the State Workers'
13 Insurance Fund?

14 A. Yes.

15 Q. How long have you known Ms. Patterson?

16 A. I started clerical in '89, I believe that I may
17 have been with the State Fund at that time. Strictly,
18 we had dealings with Workers' Compensation claims.

19 Q. Do you have any business or personal relationship
20 with Ms. Patterson?

21 A. Outside the Workers' Compensation, no.

22 Q. Are you related in any way to any person who works
23 with the Applicant?

24 A. No.

25 Q. Do you have any business or social relationship

1 with any other employees of the Applicant?

2 A. No.

3 Q. Have you, on behalf of the State Workers'
4 Insurance Fund, ever had occasion to utilize the
5 Applicant's taxicab service?

6 A. She did one transport for us, an IME, which was
7 actually within her area there.

8 Q. When was that?

9 A. I don't have the specific date with me.

10 Q. Without giving me a specific date, could you tell
11 us approximately when it was?

12 A. I would say approximately 2000, 2001. I really
13 don't know.

14 Q. And where was that trip from and to?

15 A. It was --- I believe the claimant lived right in
16 the Corry --- actually, in the City of Corey. And I
17 believe they transported them to Pittsburgh.

18 Q. So that is the one and only time that you have
19 used the service of the Applicant; correct?

20 A. That's the only time I've used it. I did contact
21 her at one point to ask her to do a transport from
22 Warren County, I believe. And at that time, she
23 advised that that was outside of her allowed area. So
24 therefore, once I knew what her boundaries were, there
25 was no sense of calling back and asking her to go from

1 anyplace else.

2 Q. And she indicated what her boundaries were?

3 A. Yes, she did.

4 Q. When was that telephone conversation,
5 approximately?

6 A. I have no idea. It would have been back, probably
7 very shortly after she opened up the taxicab company.

8 Q. So it would have been back in the 2000, 2001 area?

9 A. Yes, probably.

10 Q. And am I correct that you've never had any IME
11 service requirements originating within Corry and the
12 12-mile area of there in the past three years, other
13 than the trip to Pittsburgh?

14 A. That could be very possible. I mean, your claims
15 are all over and it would depend on, you know, the
16 ones in her area that I would choose to do an IME
17 with, may have gone back to work.

18 Q. Would you say that that must be the case because
19 there's not been any service since then?

20 A. When she was talking, I was sitting here thinking,
21 I do not remember the last time I had a claimant in
22 the Corry area that I sent for an IME.

23 Q. Because now, the Corry area, we're talking about
24 Corry, plus 12 miles from the limits of Corry;
25 correct?

1 A. Correct.

2 Q. How far does 12 miles from the limits of Corry go
3 in a northerly direction, do you know?

4 A. Union City, I don't know.

5 Q. What about in a southerly direction?

6 A. Probably about Spartansburg. There's certainly a
7 lot of little towns.

8 Q. So you, to your knowledge, have never had any
9 trips from those little towns within 12 miles of
10 Corry, any requirements for IMEs for any claimants in
11 that we miles of Corry area, from all those little
12 towns ---?

13 A. Not that I can recall.

14 Q. Well, what towns have you required service from in
15 Erie County for IMEs, any besides Erie itself, where
16 you've required service for an IME, you yourself?

17 A. Springfield.

18 Q. When was the last time you had a trip from
19 Springfield?

20 A. A couple of years ago.

21 Q. Who handled that trip?

22 A. Hanson.

23 Q. Any other points, besides the City of Erie?

24 A. In Erie County?

25 Q. Yes. Within the last three years, just to bring

1 it into sort of recent times.

2 A. We had lot from the City of Erie. I think I had
3 one, maybe two from Waterford.

4 Q. How long ago was that?

5 A. About two or three years.

6 Q. Okay. Let's talk about this past year, 2003. How
7 many trips did you have in 2003, where you made the
8 arrangements for the carrier service for IMEs
9 originating in Erie County? How many of those would
10 there have been?

11 A. Maybe eight or nine.

12 Q. And all of those would have been from the City of
13 Erie?

14 A. Yes, probably.

15 Q. And would all of those been handed via Hanson's
16 Errand Service?

17 A. Yes.

18 Q. And there was no problem with the service of any
19 on those, that was fine and dandy, the service of
20 Hanson's for those eight or nine; correct?

21 A. Yes.

22 Q. What about from Crawford County in the past year,
23 2003, did you have any trips at all that were
24 originating in Crawford County for an IME?

25 A. I think I had one in Conneautville.

1 Q. Did you use Hanson's for that Conneautville trip?

2 A. Yes.

3 Q. And did you have any others ---.

4 A. I probably did, but to say specifically right now
5 that I had this many and exactly where the claimant
6 lived, I'm just not prepared to do that.

7 Q. But you don't know of any others that you can
8 identify?

9 A. Not right at this instance, no.

10 Q. What about Warren County? Do you have any from
11 Warren County that you can identify in the year 2003,
12 that went to an independent medical exams?

13 A. I had a couple of them from Warren. I think
14 Sheffield is in Warren County. And I know I've done
15 three or four other ones down in Warren County in the
16 last year.

17 Q. Did Hanson's also handle those?

18 A. Hanson's handled some of them. On a couple of
19 occasions that Hanson's was not available, I utilized
20 Munksguarde Limousine Service.

21 Q. Who?

22 A. Munksguarde Limo Service.

23 Q. Would you spell that, please?

24 A. M-U-N-K-S-G-U-A-R-D-E.

25 Q. So you were able to get the service either from

1 Hanson's or Munksguarde for those trips?

2 A. Yes.

3 Q. And what about Mercer County? Did you have any
4 trips in 2003 from Mercer that you can identify?

5 A. My office does not handle Mercer County. I did
6 have a claimant that lived in Mercer County that we
7 continued to handle. And at that point, I contacted
8 Hanson's and she does not have authorization in Mercer
9 County to transport. So I actually had to get a
10 company out of Ohio to transport this particular
11 claimant.

12 Q. Now, for the eight or nine from Erie that you used
13 Hanson and you didn't have any problems with those,
14 you indicated, did those all go to Allegheny County?

15 A. Allegheny or Butler.

16 Q. Where in Butler?

17 A. Butler Bone and Joint, right in Butler.

18 Q. In the City of Butler?

19 A. Yes.

20 Q. How many went to Butler Bone and Joint out of
21 those eight or nine?

22 A. Probably one or two.

23 Q. So all of them went to Allegheny, except for one
24 or two; correct?

25 A. Yes.

1 Q. And they went to this one Butler Bone and Joint in
2 Butler?

3 A. Yes.

4 Q. Now, would all of the Allegheny County trips have
5 been to the same doctor?

6 A. No.

7 Q. Do you have a number of different doctors that you
8 deal with in Allegheny County?

9 A. Yes, there's several of them within the area.

10 Q. Would the trips that you indicated that you had in
11 2003 be typical of prior years? In other words, the
12 perhaps eight or so from Erie, all of which went down
13 to Allegheny or Butler and the couple from other
14 counties. Would that be generally applicable to prior
15 years as well?

16 A. No. I think in prior years, I probably did more.
17 We lost an adjuster and picked up extra caseloads this
18 past year. So we're trying to keep our head above
19 water, doing the claims, and I know I haven't
20 scheduled as many IMEs as I could have or should have.

21 Q. All of the IMEs that you require service on in the
22 past three years --- or you made a reference to IREs
23 as well. Would all of the IMEs or the IREs in the
24 past three years have gone to either Allegheny or
25 Butler Counties that you were involved?

1 A. No. I have had IREs done in Erie County.

2 Q. When was that?

3 A. I had one done in May, I believe, and another one
4 that we just completed in October or November.

5 Q. Other than those two IREs in Erie County --- well,
6 let's take the IMEs first. Would all of the IMEs in
7 the last three years have been to Allegheny or Butler
8 Counties?

9 A. The majority of them would have been.

10 Q. Could you identify any IMEs that went someone
11 other than Allegheny or Butler Counties?

12 A. I had brought maybe two or three in from our
13 outlying counties into Erie County ---.

14 Q. Let's stop there. A couple from outlying counties
15 to Erie for IMEs?

16 A. Yes.

17 Q. What outlying counties?

18 A. McKean.

19 Q. You had one from McKean to Erie. When and where
20 in McKean?

21 A. I don't know exactly where. You have to
22 understand, with Erie being a smaller city, we don't
23 do IMEs in Erie with Erie claimants and Erie doctors
24 because the doctors are very close-knit up there. So
25 you want an independent medical examination. You want

1 to send the claimant to an area where the doctors
2 don't know each other and you can get that unbiased
3 opinion, as compared to --- you know, you send --- he
4 treats with Doctor A, you send him to Doctor B for an
5 examination. And they go to the same social club ---
6 you may not get a real valid examination. You know,
7 Doctor A says Doctor B is treating well. So you send
8 to those --- I can pull from my Elk County, my Cameron
9 County, maybe Warren County up to Erie, because those
10 doctors are not closely affiliated with each other.

11 Q. Have you talked with Ms. Patterson about what kind
12 of charges you would be looking if she had to go, for
13 example, from Corry all the way over to the far
14 reaches of some of these outlying counties to handle
15 an IME and then back to Erie and then to take them
16 back to far outlying areas? Have you talked to her
17 about what sort of costs would be involved in that?

18 A. I haven't directly because, as she's indicated,
19 she doesn't have that up yet. The only thing I do
20 know is, I'm 99 percent sure that it's going to be
21 more cost-effective for her in Corry to go to McKean
22 County and bring somebody than it is to pay for, say,
23 Hanson's to go up to Erie to McKean County and back.

24 Q. And it's certainly more cost effective to get
25 somebody in McKean County to pick that claimant up and

1 bring them to Erie and take them back to McKean
2 County; right?

3 A. Unless we knew of somebody in McKean County that
4 did that, yes, it probably would.

5 Q. Well, have you made any investigation into that?
6 Have you ever checked into who's authorized in McKean
7 County or Elk County or Jefferson County or some of
8 these far away counties?

9 A. We contacted various other people to see, you
10 know, who do you have, who do you use in these
11 counties and they're basically --- we really don't
12 know. We really don't know who does it, just exactly
13 like they called me, who do you use for transport.

14 Q. By the way, have you ever contacted my client,
15 Emergy Care, for these transports?

16 A. Number one, I wasn't aware that you did this kind
17 of a transport.

18 Q. Are you aware that they're a paratransit
19 authority?

20 A. I knew they had like a wheelchair van to go to
21 doctors' appointments and stuff like that.

22 Q. A wheelchair van?

23 A. Well, wheelchair vans available. I have used them
24 one time to do a wheelchair transport from a nursing
25 home to a Workers' Compensation hearing.

1 Q. So you know of them?

2 A. I know of them, yes.

3 Q. But you've never called them to see whether they
4 would do these IME trips for you; correct?

5 A. I called one time, this was several years ago, so
6 please don't ask me the date because I don't know when
7 it was, to do a transport just because I had nobody
8 else. That was even before Hanson's was doing it.
9 And at that time, the price that I was quoted was over
10 and above what my manager was willing to authorize to
11 do the transport.

12 Q. You don't know what the cost was. You don't know
13 when it was. You don't know any specific information
14 about it?

15 A. It was several years ago. And as far as them
16 doing transports for IMEs and stuff like that, we had
17 not been made aware of that. Hanson's approached us,
18 we are going to do this, would you use our service?
19 Ms. Patterson called and said, you know, I'm looking
20 into doing this. If I do it, you know, if the rates
21 are okay, will you use us? Yeah, I'll use her.

22 Q. But you have known for at least several years that
23 Emergy Care has paratransit authority; correct?
24 You've known that for at least several years?

25 A. My understanding was like, they did wheelchair

1 transport and most of my claimants are not in a
2 wheelchair.

3 Q. Do you understand that they have medical taxicabs?

4 A. The first time I knew they had a medical taxicab
5 was when we passed it coming down here today. I have
6 never seen one around. So as of today, yes, I know.

7 Q. Now, it is a taxicab that you had provided to you
8 on that one trip that was handled by Corry Cab;
9 correct?

10 A. Yes.

11 Q. And a taxicab, I assume, is fine and dandy for the
12 service that you required; correct?

13 A. Yes.

14 Q. And if Corry Cab had taxicab authority that would
15 authorize, for example, all of Erie County, that would
16 be fine and dandy to handle at least your Erie County
17 trips; correct?

18 A. Depending what Bev comes up for with her final
19 rates, yes, I will call her to see if she can do trips
20 for me.

21 Q. Now that you know that Emery Care has paratransit
22 vans and has medical taxis, is there any reason why
23 you wouldn't call Emery Care to handle any trips that
24 you may have?

25 A. I would probably contact them. And it's probably

1 going to come down to cost.

2 Q. You understand, do you not, that all public
3 utilities are required to charge, by law, their
4 published tariff rates; correct?

5 A. I know they have certain rates they have to
6 charge. I'm not in that business. I know they do
7 have certain rates that they must charge.

8 Q. But you don't know what Emergy Care's rates are,
9 because you've never checked into it; correct?

10 A. No.

11 Q. For all you know, Emergy Care could have very
12 favorable rates, which would enable them to provide
13 service to you; correct?

14 A. They very well may. I personally have got a very
15 large caseload. And it's pretty much everybody that I
16 talk to and I really --- I just don't have time to be
17 calling around to everywhere, trying to find something
18 to do. Like I said, you know, these companies have
19 approached us if they were going to do this. We would
20 like to do this, would you use us? Well, yes, I know
21 that they're there and available. That's great. And
22 I think that there are certainly, especially with
23 getting into the IREs now, there's certainly going to
24 be a lot of transport services needed.

25 Q. Does SWIF, the State Workers' Insurance Fund, pay

1 for the transport? Do they pay the --- in your case,
2 Hanson's?

3 A. Yes.

4 Q. Who then calls Hanson's? Do you call Hanson's or
5 does the claimant call Hanson's?

6 A. I schedule the transportation.

7 Q. Am I correct that you do not have any specific
8 information here in the hearing room today concerning
9 any --- and by that I mean, by date or original
10 destination, concerning any times when you have not
11 been able to get service from Hanson's? Specific
12 information?

13 A. I don't have any with me, no. I will say, at one
14 time, Hanson's had more vehicles available and they
15 are down to one vehicle now. And this has just been
16 within the last few months.

17 Q. Of course, it only takes one vehicle to do the
18 service requirements you have. You don't have two
19 vehicles at a time; right? You have person that needs
20 to get from point A to point B.

21 A. Not necessarily. I may have two IMEs scheduled
22 for one day that I need transportation for. There's
23 another girl in my office that may have one scheduled
24 that day. You've got Erie Insurance, you've got
25 Liberty Mutual. You've got any other number of

1 insurance companies that may have an appointment
2 scheduled for that day. Medical management nurses may
3 have scheduled an appointment for a claimant of some
4 kind. An attorney may have arranged for an
5 examination to be done. And I have had some of our
6 attorneys schedule transportation in the past. So I
7 can't say that, yeah, one vehicle is going to do it.
8 I mean, I'm speaking for myself and I may run across a
9 situation where I have two claimants that need
10 transportation the same day.

11 Q. How many cabs do you think Corry Cab has?

12 A. She said they had three, so I assume they have
13 three.

14 Q. And if those three cabs happen to have fares in
15 them at the time that you have an IME, you're not
16 going to use Corry Cab either; right?

17 A. It's my understanding that she would have at least
18 one of her vehicles available.

19 Q. Make it available just to you?

20 A. Not to me. But to anybody else that would need
21 it.

22 Q. Did she tell you that? You said that that's your
23 understanding.

24 A. I really don't know what her plans are. You would
25 have to ask her that for sure.

1 Q. Ms. Patterson referenced some taxicab services
2 available in Erie County. Could you use any of those
3 taxicab services?

4 A. I contacted the Erie Cab to do a transport and at
5 that time, they told me they weren't available to do
6 it.

7 Q. Is Erie Cab still in business?

8 A. Yes.

9 Q. Is that different than Yellow Cab? Is there a
10 Yellow Cab ---?

11 A. I don't really recall. We have a cab company in
12 Erie. I don't know exactly what name it is.

13 Q. So if Hanson's is not available, you could also
14 call one of these other cab companies now that
15 provides service in the City of Erie; right? That's
16 another option available to you?

17 A. Yes.

18 Q. So it seems to me that if tomorrow you were having
19 any problems at all, you would call Hanson's first, is
20 that what you would do?

21 A. Probably.

22 Q. And then you would call Emergy Care or call one of
23 the taxis or call any of these people; correct?

24 A. I could, yes.

25 Q. On that one occasion that you did use Corry's

1 service, the Applicant's service, you understood that
2 they were providing taxicab to you, as opposed to
3 paratransit service; correct?

4 A. That's what I understood.

5 Q. And that was perfectly acceptable to use taxicab
6 service, there's no requirement that it should be
7 paratransit service; correct?

8 A. No, I guess not.

9 Q. And once you provided that service, it was done
10 with a standard taxicab; correct?

11 A. I guess. I just didn't see the vehicle that went.

12 Q. And she charged a taxicab rate from her listed PUC
13 tariff; correct?

14 A. We received a bill, so ---.

15 Q. You didn't find that her taxicab rate was anything
16 you couldn't pay; correct?

17 A. No.

18 Q. Do you know how her taxicab rate compares with
19 Emergy Care's paratransit rate?

20 A. No.

21 Q. Do you know if Emergy Care's paratransit rate was
22 actually substantially lower than the taxicab rate?

23 A. I don't know what her rates are.

24 Q. Because you never inquired; right?

25 A. No.

1 Q. You never had the need to inquire about what
2 Emergy Care's rates were; correct?

3 A. No.

4 Q. Are you saying, no, you never had the need to
5 question or no, you've never had that need to inquire?

6 A. As I indicated, until today on the way down here,
7 I didn't realize that they had a medical taxicab
8 service available.

9 Q. What this is going to be and what it always has
10 been and will be in the future is --- and why you're
11 here today, is for --- if this application is granted
12 --- for the Applicant to pick up a person, one person,
13 that needs to go to an independent medical exam or an
14 impairment rating evaluation, IRE, and then would
15 return that one person to the point of origin;
16 correct, that's what the need is? If there's any
17 need, that's the need; correct?

18 A. Correct.

19 ATTORNEY GRAY:

20 That's all I have.

21 JUDGE NEMEC:

22 Okay. Redirect?

23 REDIRECT EXAMINATION

24 BY ATTORNEY BETZA:

25 Q. You identified something called Munksguarde that

1 you had to call. Where are they located?

2 A. In Warren.

3 Q. You were also asked some questions about pickups
4 that you've made in Erie County. Have you had any
5 from Millcreek Township or Summit Township?

6 A. I don't know about Summit Township. I've probably
7 had a couple in Millcreek Township.

8 Q. Now, you testified that you contacted other people
9 when looking for other providers. Who were the other
10 people, these other people? Who did you mean?

11 A. I have contacted some people out at Erie Insurance
12 or if we were at a meeting, you know, I might just
13 generally ask, you know, who do you use for
14 transportation. I have called our Pittsburgh office,
15 our Johnstown office, you know. I guess maybe, case
16 in point, a claimant I had that lived down in Mercer
17 County. And I said, who do you guys use for
18 transportation? And unfortunately, they really
19 haven't transported anybody from Mercer County, so
20 they really didn't know themselves. I spent probably
21 four hours that day, calling around to different
22 places to see if they knew of anybody before I finally
23 ended up with this place in Ohio that did transport.
24 Q. And although you could not identify a specific
25 date when there was a problem with Hanson's, in your

1 time, has there been problems with getting Hanson's to
2 do all of your IMEs that you want them to do?

3 A. I have had a couple of days that they have been
4 booked, could not do the transport. Fortunately for
5 me, it was within enough time that we could reschedule
6 our appointment so that I didn't have to pay a
7 cancellation fee on it.

8 Q. And when you had those occasions, how many
9 vehicles did you understand Hanson's had in its --- in
10 service?

11 A. I actually didn't know. I believed she had a
12 couple of vehicles.

13 Q. And they've gone down now to, you testified, one
14 vehicle?

15 A. One vehicle that does their out-of-town transport.

16 ATTORNEY BETZA:

17 That's all the questions that I have.

18 JUDGE NEMEC:

19 Recross?

20 ATTORNEY GRAY:

21 Just one question, Your Honor. I think
22 just one.

23 RE CROSS EXAMINATION

24 BY ATTORNEY GRAY:

25 Q. Ms. DeSantis, when was it your understanding that

1 Hanson's went from two vehicles to one vehicle,
2 approximately? Two years ago, one year ago?

3 A. It's been within the last year. And I don't think
4 it has been a year yet.

5 Q. More than six months?

6 A. Probably, yes.

7 Q. And of course, you don't know what Hanson's plans
8 are. For all you know, they may be buying three new
9 vehicles; correct?

10 A. I couldn't tell you that.

11 ATTORNEY GRAY:

12 Thank you.

13 JUDGE NEMEC:

14 Okay. Thank you. You're excused. I
15 assume you have one witness. Do you want to take a
16 five-minute break? You want to do that? I mean,
17 rather than --- you don't want to take a lunch break?

18 ATTORNEY BETZA:

19 No. Actually, I --- there was a question
20 asked by Attorney Gray about ---.

21 JUDGE NEMEC:

22 Do you want to recall her?

23 ATTORNEY BETZA:

24 I would, just to clarify what she intends
25 to do with the three vehicles.

1 JUDGE NEMEC:

2 That's fine. Do you want to do that
3 right now?

4 ATTORNEY BETZA:

5 I'll do that right now.

6 JUDGE NEMEC:

7 Go ahead.

8 -----
9 BEVERLY PATTERSON, HAVING BEEN PREVIOUSLY SWORN,
10 TESTIFIED AS FOLLOWS:

11 -----
12 REDIRECT EXAMINATION

13 BY ATTORNEY BETZA:

14 Q. Ms. Patterson, you've testified that you have
15 three vehicles. Could you explain what your plan
16 would be to do with those three vehicles, if this is
17 granted?

18 A. Well, the way we use the three now is, we always
19 leave one available for out-of-town transportation.
20 We have one for local service. And in Corry, 95
21 percent of the time, one is enough. And then we have
22 one backup vehicle to use when needed.

23 Q. And would it be your intention to change your plan
24 or is that how it would be?

25 A. Well, it would be wonderful if we needed another

1 vehicle, but I have no immediate plans.

2 ATTORNEY BETZA:

3 That's all the questions I have.

4 RECROSS EXAMINATION

5 BY ATTORNEY GRAY:

6 Q. Ms. Patterson, there have been occasions, have
7 there not, when you had all three vehicles in use at
8 the same time?

9 A. Yes.

10 ATTORNEY GRAY:

11 That's all

12 JUDGE NEMEC:

13 Okay. Take a five-minute break and then
14 we'll take your witness, Mr. Gray.

15 SHORT BREAK TAKEN

16 JUDGE NEMEC:

17 I haven't heard the ultimate rest yet. I
18 assume you're resting?

19 ATTORNEY BETZA:

20 We rest.

21 JUDGE NEMEC:

22 Okay.

23 ATTORNEY GRAY:

24 Then I call Mr. Clark.

25 JUDGE NEMEC:

1 Okay, sir. Please raise your right hand.

2 -----

3 PAUL CLARK, HAVING FIRST BEEN DULY SWORN, TESTIFIED AS
4 FOLLOWS:

5 -----

6 JUDGE NEMEC:

7 You may proceed, Mr. Gray.

8 DIRECT EXAMINATION

9 BY ATTORNEY GRAY:

10 Q. Would you please state your name for the record?

11 A. Paul Clark.

12 Q. And Mr. Clark, by whom are you employed?

13 A. Emergy Care, Incorporated.

14 Q. Is the correct name of Emergy Care actually
15 Tri-State Emergency Systems, Inc., trading and doing
16 business as Emergy Care?

17 A. Yes, it is.

18 Q. What is your position with the company?

19 A. Presently, I am director of the communications
20 center and I'm the manager at the Crawford County
21 division.

22 Q. Are you authorized to appear here today for Emergy
23 Care?

24 A. Yes, I am.

25 Q. Are you familiar with the equipment and the

1 service and the operations generally of Emergy Care?

2 A. Yes, I am.

3 Q. What is the principal business address of Emergy
4 Care?

5 A. 1701 Sassafras Street, S-A-S-S-A-F-R-A-S Street,
6 Erie, PA 16502.

7 Q. Does Emergy Care have any satellite offices, other
8 than the one that you just mentioned in Erie?

9 A. Yes, they do.

10 Q. Where are they located?

11 A. Meadville in Crawford County, Titusville in
12 Crawford County, Warren in Warren County, Corry in
13 Erie County.

14 Q. And do you actually have people that are employed
15 at those offices?

16 A. Yes, we do.

17 Q. And do you have equipment stationed at those
18 offices?

19 A. Yes, we do. All the sites we have are equipped.

20 Q. So if somebody would require service from an area
21 that's --- has equipment located in closer proximity
22 to it, I would assume that you would usually dispatch
23 the equipment from that facility?

24 A. Yes.

25 Q. Does Emergy Care hold authority from the

1 Pennsylvania Public Utility Commission?

2 A. Yes, it does.

3 ATTORNEY GRAY:

4 Your Honor, may we have marked as
5 Protestant Emergy Care --- or just Protestant's, I
6 guess, since it's the only Protestant, Protestant
7 Exhibit One, a copy of the PUC authority of Emergy
8 Care?

9 JUDGE NEMEC:

10 It may be so identified.

11 (Protestant Exhibit One marked for
12 identification.)

13 BY ATTORNEY GRAY:

14 Q. Mr. Clark, look at what has been marked as
15 Protestant Exhibit One and indicate for us whether
16 that is a true and correct copy of your operating
17 authority?

18 A. Yes, it is.

19 Q. Am I correct that your company has authority to
20 provide service originating in Erie, Crawford, Warren
21 and Venango Counties?

22 A. Yes.

23 Q. You're aware that this application seeks authority
24 in those four counties; correct?

25 A. Correct.

1 Q. And so, to that extent, you have direct interest
2 here; correct?

3 A. Yes.

4 Q. Now, as far as the other counties that are sought
5 by this application, for example, McKean County or Elk
6 County or Jefferson County, am I correct that Emergy
7 Care does not have the authority to originate trips in
8 those counties?

9 A. Correct.

10 Q. Am I correct that you do, though, have the
11 authority to handle trips to those counties or to
12 anywhere else in Pennsylvania from the four counties,
13 where you have authority?

14 A. Correct.

15 Q. Does Emergy Care provide service to the public
16 under its existing PUC authority?

17 A. Yes.

18 Q. Has it done so since it secured its PUC authority
19 in 1998?

20 A. Yes.

21 Q. What is the primary business of Emergy Care?

22 A. We are an EMS service in the City of Erie and area
23 counties.

24 Q. What is an EMS service?

25 A. Emergency medical services.

1 Q. Does Emery Care, for example, operate ambulances?

2 A. Yes, we do.

3 Q. Now, ambulance service has nothing to do with this
4 application; correct?

5 A. Correct.

6 Q. But does Emery Care provide other service than
7 ambulance service?

8 A. Yes, we do.

9 Q. Do you provide ways set forth in Exhibit One as
10 paratransit service?

11 A. Yes, we do.

12 Q. Do you provide transportation, for example, in
13 vehicles other than ambulances?

14 A. Yes, we do.

15 Q. And what kind of vehicles are they?

16 A. We have vans that are equipped with wheelchair
17 lifts for transporting the wheelchair-bound. We have
18 medical taxis that transport ambulatory patients that
19 need transport.

20 Q. All right. Have you prepared an equipment list to
21 introduce as an exhibit today?

22 A. Yes.

23 ATTORNEY GRAY:

24 Your Honor, may we have marked as
25 Protestant Exhibit Two, a one-page equipment list, as

1 setting forth the equipment of Emergy Care?

2 JUDGE NEMEC:

3 It may be so identified.

4 (Protestant Exhibit Two marked for
5 identification.)

6 BY ATTORNEY GRAY:

7 Q. Mr. Clark, does Exhibit Two correctly reflect the
8 equipment of Emergy Care that's relevant to
9 paratransit service?

10 A. Yes. I do notice here, where it says garaged?

11 Q. Yes.

12 A. Two of the vans that are specified here that say
13 they are garaged at Sassafra Street, actually, one of
14 those vans is in Corry in Erie County and one is in
15 Titusville, Crawford County.

16 Q. Okay. Do you know off the top of your head, which
17 two those are?

18 A. No, I don't.

19 Q. So the exhibit shows nine wheelchair vans
20 domiciled in Erie and shows two wheelchair vans
21 domiciled in Warren and two wheelchair vans domiciled
22 in Meadville. Let me ask you this first. Do you have
23 two wheelchair vans domiciled in Warren?

24 A. Yes, we do.

25 Q. And do you have two in Meadville?

1 A. Yes, we do.

2 Q. So you're saying that to the extent that there's
3 an error here, it is that two of the wheelchair vans
4 shown were Erie or Sassafras Street, are actually
5 domiciled, one in Titusville and one in Corry?

6 A. Correct.

7 Q. And has that been the case for some time?

8 A. Yes, it has. The Titusville operation is a new
9 operation that at one point they had moved down to
10 where that section was secured.

11 Q. When you say new operation, when did you open the
12 Titusville operation?

13 A. October of 2003.

14 Q. So when you opened that, you stationed a
15 wheelchair van in Titusville; correct?

16 A. Correct.

17 Q. And the one in Corry has been there for some time?

18 A. Yes.

19 Q. Now the exhibit shows, as far as medical taxis, it
20 shows three in Erie and one in Warren; is that
21 correct?

22 A. That's correct.

23 Q. Now, if you need a medical taxi in one of the
24 other locations, do you simply dispatch one of the
25 ones at these locations?

1 A. Yes.

2 Q. Are all of the pieces of equipment shown on
3 Protestant's Exhibit Two used to provide paratransit
4 service, under your PUC authority?

5 A. Yes, they are.

6 Q. Are all of those pieces of equipment properly
7 licensed and properly insurance and operational?

8 A. Yes, they are.

9 Q. And are they used frequently in providing
10 paratransit service?

11 A. Yes, they are.

12 Q. How long have you had your facilities in Erie?

13 A. That facility started in July 1983.

14 Q. And again, to the extent you know, at least by
15 year, if you know, how long have you had your facility
16 in Meadville?

17 A. Meadville has been there since 1998.

18 Q. And the Titusville, you said that's just --- it's
19 2003?

20 A. Right.

21 Q. And what about your Warren facility?

22 A. Warren, I believe, is approximately six years old.

23 Q. And the Corry facility?

24 A. Corry is also about six years old.

25 Q. Do you have drivers who are especially assigned to

1 driving the equipment set for on Protestant's Exhibit
2 Two, that is the wheelchair vans and the medical
3 taxis?

4 A. We do in every operation. Every employee that
5 works in the operation is trained to do that specific
6 duty.

7 Q. How many --- what's the hours of service that your
8 paratransit service is available to the public?

9 A. We offer it 24 hours a day ---.

10 Q. Twenty-four (24) hours a day, seven days a week,
11 365 days a year; is that correct?

12 A. Correct.

13 Q. Do you provide substantial paratransit service,
14 setting aside the ambulance service, do you provide
15 substantial paratransit service to the public,
16 originating in each of the four counties in your
17 authority?

18 A. Yes, we do.

19 Q. Now, there has been some mention here of
20 transports to Allegheny County, for example. Does
21 your company provide a substantial paratransit service
22 to Allegheny County from these four counties?

23 A. Yes, we do.

24 Q. How frequent is that?

25 A. I would say daily, we are in Allegheny County.

1 Q. And is that generally to doctors' offices in
2 Allegheny County?

3 A. Correct.

4 Q. What about Butler County? Do you know whether you
5 provide service from these four counties to Butler
6 County?

7 A. We have.

8 Q. Is that less frequently than Allegheny?

9 A. I believe it is.

10 Q. What about from these four counties to Erie County
11 and Crawford County? Do you do much service to those
12 two counties from your four-county area?

13 A. We do transport, yes.

14 Q. Are those actually the heart of your business, the
15 local trips --- the heart of your paratransit
16 business, local trips in the Erie and Crawford County
17 areas?

18 A. Yes, it is.

19 Q. Do you do more of that, for example, than you do
20 trips to areas outside of those two counties?

21 A. Yes.

22 Q. And service involving those counties, does that
23 frequently go to doctors' offices?

24 A. Yes, it does.

25 Q. Do you provide a lot of paratransit service to

1 doctors' offices?

2 A. Yes, we do.

3 Q. There was testimony from the representative, Ms.
4 DeSantis, of the State Workers' Insurance Fund, that
5 they have service requirements involving independent
6 medical examinations and also impairment rating
7 evaluations. And those are trips to doctors' offices,
8 if SWIF, State Workers' Insurance Fund, would request
9 you to provide service in connection with these
10 examinations, independent medical exams, or the other
11 one, impairment rating evaluations, would you be more
12 than willing to handle it?

13 A. Yes, we would.

14 Q. And again, do you see, after hearing her
15 testimony, that there would be any difference between
16 taking somebody to a regular doctors' office and
17 taking them to a doctors' office for an IME or an IRE?

18 A. No.

19 Q. So that's something that you do daily?

20 A. That's something that we do daily, yes.

21 Q. To your knowledge, have you ever been contacted by
22 SWIF for service?

23 A. To the best of my knowledge, I don't recall.

24 ATTORNEY GRAY:

25 That's all I have of this witness, Your

1 Honor. I move the admission of Protestant's Exhibits
2 One and Two, subject to Cross Examination.

3 JUDGE NEMEC:

4 Subject to Cross Examination, the
5 Protestant's Exhibits One and Two are admitted. Cross
6 examine?

7 ATTORNEY BETZA:

8 Thank you, Your Honor.

9 CROSS EXAMINATION

10 BY ATTORNEY BETZA:

11 Q. Sir, how long has your company operated the
12 medical taxis?

13 A. We have probably had the medical taxis for about
14 four or five years.

15 Q. And how many have you had in service during that
16 period in time?

17 A. We have had four in service.

18 Q. Throughout that time period?

19 A. Yes.

20 Q. Are you familiar with your rates?

21 A. Uh-huh (yes).

22 Q. Are your rates higher for a wheelchair van than a
23 medical taxi?

24 A. Wheelchair rates are higher than medical taxi
25 rates, yes.

1 Q. And I would presume that an ambulance would be
2 higher than a wheelchair van?

3 A. It's governed by the PUC.

4 Q. But are their rates --- I mean, is the correct?

5 A. Yeah. The rates are different because of ---
6 those rates are not set rates. Those rates are ---
7 pretty much, we follow Medicare guidelines for that.

8 Q. With regard to your wheelchair vans, are they
9 equipped with any type of medical equipment?

10 A. Our wheelchair vans are equipped with first aid,
11 oxygen.

12 Q. And what first --- I assume they also have
13 wheelchair lifts?

14 A. Yes, they have wheelchair lifts.

15 Q. Are those hydraulic lifts?

16 A. Yeah.

17 Q. What first aid equipment is on them?

18 A. Basic life support equipment, which would be
19 bandaging equipment, airway equipment and oxygen.

20 Q. With regard to the medical taxis, is there any
21 medical equipment on those?

22 A. Same equipment.

23 Q. Now, you've been with the company for how long?

24 A. I started February 6 of 1984, 20 years.

25 Q. And in your 20 years with the company, are you

1 aware of any relationship that your company has with
2 any Workers' Compensation provider to refer people to
3 independent medical exams or impairment rating
4 evaluations?

5 A. To my personal knowledge, no.

6 Q. Are you aware of any attempts by your company to
7 contact any of the medical --- or any of the Workers'
8 Compensation insurance carriers to offer your service
9 to them?

10 A. Personally, no. But I have not always been in a
11 position where I had that knowledge.

12 Q. But certainly, before today's hearing, you were
13 aware that that was an issue?

14 A. We deal with medical insurance companies.

15 Q. Your company has not been involved --- you had the
16 opportunity to listen to the testimony of Ms.
17 Patterson; correct?

18 A. Correct.

19 Q. And would you agree that your company has not been
20 involved in taking people to the Pittsburgh or the
21 Erie Airport as part of your normal business?

22 A. I don't believe.

23 Q. And to your knowledge, your company has not been
24 involved in taking people to or from impairment rating
25 evaluations or independent medical examinations?

1 A. We transport patients for medical needs. We don't
2 always know why.

3 Q. But you would agree with me that the source of the
4 referral is coming directly from the patient or from
5 the health care provider, and not the insurance
6 carrier?

7 A. I think for the majority of them.

8 ATTORNEY BETZA:

9 That's all I have. And for what it's
10 worth, I have no objection to One and Two.

11 JUDGE NEMEC:

12 Mr. Gray?

13 ATTORNEY GRAY:

14 Just one clarifying question, which is
15 probably considerably simple.

16 REDIRECT EXAMINATION

17 BY ATTORNEY GRAY:

18 Q. You, in response to a question from Attorney
19 Betza, indicating that the medical taxis have the same
20 equipment as the wheelchair vans. The medical taxis
21 however, do not have, do they, wheelchair lifts?

22 A. No. They don't have wheelchair lifts.

23 ATTORNEY GRAY:

24 Thank you.

25 JUDGE NEMEC:

1 Thank you, sir. You're excused. Done?

2 ATTORNEY BETZA:

3 Yes.

4 JUDGE NEMEC:

5 Done?

6 ATTORNEY GRAY:

7 Yes.

8 JUDGE NEMEC:

9 Briefs?

10 ATTORNEY GRAY:

11 I think there is some legal that I need
12 to address in a brief.

13 JUDGE NEMEC:

14 Yes. We talked about that prior to the
15 hearing and I appreciate addressing that fairly
16 distinctly. Let's not make these into books. Okay.
17 Anything further?

18 ATTORNEY GRAY:

19 No, Your Honor.

20 ATTORNEY BETZA:

21 No, Your Honor.

22 JUDGE NEMEC:

23 We're adjourned at this time.

24 ATTORNEY GRAY:

25 Thank you.

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ATTORNEY GRAY:

Thanks, Your Honor.

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HEARING CONCLUDED AT 1:00 P.M.

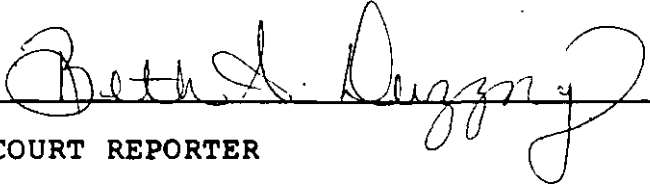
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