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October 6, 2016

**FILED ELECTRONICALLY**

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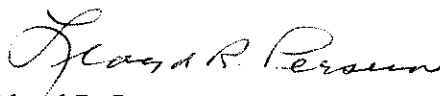
**Re: Application of Leon L. and Linda J. Fuller  
A-2016-2563259**

Rosemary Chiavetta, Secretary  
PA Public Utility Commission  
2<sup>nd</sup> Floor, Commonwealth Keystone Building  
Harrisburg, PA 17110

Dear Secretary Chiavetta:

We file herewith on behalf of MTR Transportation, Inc., t/d/b/a K-Cab Co., Protestant, its original Protest to this Application. A Certificate of Service is attached to the Protest.

Very truly yours,



Lloyd R. Persun

LRP:pg  
Attachment

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re: : A-2016-2563259  
:   
Leon L. and Linda J. Fuller : **FILED ELECTRONICALLY**

PROTEST OF MTR TRANSPORTATION, INC. t/d/b/a K-CAB CO.

AND NOW, this 6<sup>th</sup> day of October, 2016, MTR TRANSPORTATION, INC., t/d/b/a K-CAB CO., Protestant, by its attorneys, files this Protest to this Application and in support thereof avers as follows:

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

MTR Transportation, Inc.  
t/d/b/a K-Cab Co.  
P.O. Box 274  
Mifflinville, PA 18631  
(570) 784-1550

2. The name, address and telephone number of Protestant's attorneys are:

Lloyd R. Persun, Esquire  
Persun & Hamlin, P.C.  
P.O. Box 659  
Mechanicsburg, PA 17055-0659  
(717) 620-2440

3. Protestant possesses authority at A-00116855 and various folders and amendments thereunder with which the Application conflicts. Protestant's said operating

authority is described on Exhibit "A" attached hereto and made a part hereof and conflicts with the service proposed by Applicant in this Application ("Applicant's proposed service").

4. Protestant filed an Application with the Commission seeking authority to transport by motor vehicle persons in experimental service (also known as transportation network service) between points in the Counties of Columbia and Montour, the Townships of Salem and Nescopeck and the Borough of Nescopeck, Luzerne County and the Borough of Riverside, Northumberland County, and from points in said counties, townships and boroughs to points in Pennsylvania and return, excluding areas under the jurisdiction of the Philadelphia Parking Authority. A true and correct copy of the Application is attached hereto as Exhibit "B" and made a part hereof. Protestant's proposed service conflicts with Applicant's proposed service.

5. To the extent of such conflicts there is no need or immediate need for the proposed service.

6. No need or immediate transportation need exists. Protestant has not discontinued any service or failed to provide service within its operating authority. Protestant has not refused any request for service. Protestant is able and willing to provide equipment necessary to meet existing transportation needs. Protestant is ready, willing and able to provide service to the public.

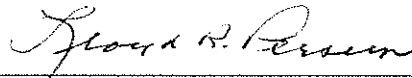
7. Approval of the Application is not necessary or proper for the accommodation, service, necessity or safety of the public. Applicant is not fit to provide its proposed service.

8. Entry of a new carrier into the area of conflict between Applicant's proposed service and Protestant's existing and proposed operating authority will impair the operations of existing carriers including Protestant.

9. Protestant is not aware of a Restrictive Amendment which would satisfy its interest. However, Protestant is willing to discuss the possibility of a Restrictive Amendment with Applicant, if Applicant so desires.

WHEREFORE, Protestant respectfully requests that the Application be dismissed with prejudice or, in the alternative, that the Application be scheduled for hearing as on-the-record proceeding and that Protestant be permitted to participate in that proceeding as a party.

Respectfully submitted,



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Lloyd R. Persun, Esquire

Persun & Hamlin, P.C.

P.O. Box 659

Mechanicsburg, PA 17055-0659

(717) 620-2440

Attorneys for MTR Transportation, Inc.,

t/d/b/a K-Cab Co.

Protestant

**A-00116855, Folder 2. MTR Transportation, Inc., t/d/b/a K-Cab Co.** (6725 Keefers Lane, Bloomsburg, Columbia County, PA 17815), a corporation of the Commonwealth of Pennsylvania--additional right--(1) persons, in paratransit service, between points in the town of Bloomsburg, the borough of Catawissa, and the townships of Montour, Hemlock, Franklin, Catawissa, Mt. Pleasant, Scott, Main, Greenwood and Madison, Columbia County, and the borough of Danville and the townships of Cooper, Derry, Mahoning, Valley and West Hemlock, Montour County, and the borough of Riverside, Northumberland County, and from points in said town, boroughs and townships to points in Pennsylvania, and return; subject to the following condition: that the service herein authorized shall be rendered without the use of domelights or taximeters; and (2) persons, in paratransit service, between points in Columbia County and the township of Salem, Luzerne County, and from points in said county and township, to points in Pennsylvania, and return.

**A-00116855, Folder 3. MTR Transportation, Inc., t/d/b/a K-Cab Co.** (6725 Keefers Lane, Bloomsburg, Columbia County, PA 17815), a corporation of the Commonwealth of Pennsylvania--additional right--persons, upon call or demand; (1) in the town of Bloomsburg, Columbia County; (2) in the townships of Montour, Hemlock, Franklin, Catawissa, Mt. Pleasant, Scott and Main, Columbia County; (3) in the borough of Catawissa, Columbia County; (4) in the borough of Berwick, Columbia County, and within an airline distance of 15 statute miles of the limits of said borough; (5) the township of Cooper and Mahoning, Montour County; (6) in the borough of Danville, Montour County; and (7) in the borough of Riverside, Northumberland County.

**A-00116855. MTR Transportation, Inc., t/d/b/a K-Cab Co.** (6725 Keefers Lane, Bloomsburg, Columbia County, PA 17815), a corporation of the Commonwealth of Pennsylvania--additional right--as a common carrier, property excluding household goods and use between points in Pennsylvania.

**Application for Motor Common Carrier of Persons in  
Experimental Service**

THIS APPLICATION IS TO BE USED WHEN PROVIDING A NEW  
INNOVATIVE, OR EXPERIMENTAL TYPE OF TRANSPORTATION  
WHICH IS NOT CHARACTERIZED IN THE SCHEMATIC  
CLASSIFICATION IN ACCORDANCE WITH 52 PA. CODE §29.13.

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SECRETARY'S BUREAU  
PA PUC

RECEIVED

1. **Legal Name of Applicant** (Individual, Partnership or Corporation)

MTR Transportation, Inc.

- If you are an individual who has not formed any type of corporate entity, you should enter your name **as it will appear on your insurance documents**.
- If you are filing for a partnership, but **not a limited liability partnership**, the names of all partners must be entered on this line. Those names should be entered **as they will appear on your insurance documents**. This includes husbands and wives filing jointly.
- If you are filing for a corporate entity (corporation, limited liability company, or limited liability partnership), **even if you are the sole shareholder member**, you must enter the name **exactly as it appears on the registration papers from the Corporation Bureau of the Pennsylvania Department of State**.

2. **Trade Name** (Attach a copy of fictitious name registration if applicable)

K-Cab Co.

This is any name which you will be operating under which differs from the **LEGAL NAME OF APPLICANT**. A **TRADE NAME** is considered a **FICTITIOUS NAME** if the identity of the applicant cannot be readily determined. *EXAMPLE: John Doe is the applicant and wants to use the name "Johnboy Trucking" as his trade name. People cannot readily determine that John Doe is the actual operator; therefore, the name is fictitious and must be registered as such. Trade names such as "John Doe Trucking" or "J. Doe Trucking" are not considered fictitious and would not have to be registered.*

3. **Do you currently hold PUC Authority?**  NO **Previous Authority?**  NO

If YES, at PUC No. A- 00116855

4. **Are you a business entity registered with the PA Dept. of State?**  NO  
If NO, you must register (see checklist on how to register)

If YES, provide your PA Corporation Bureau Entity ID Number 2920720  
(see checklist and indicate type of business entity registered)

5. **Physical Address** (do not use PO Box)

6725 Keefers Lane

Street Address

Bloomsburg, PA 17815

City, State and Zip Code

(570) 784-1550

Telephone Number

Columbia

County

The address entered here should reflect the actual location of the business. This is the address the Commission needs in order to dispatch Enforcement Officers to inspect equipment.

6. **Mailing Address** (if different from Physical Address)

P.O. Box 274

Street Address

Mifflinville, PA 18631

City, State and Zip Code

This is the address to which the Commission will send all official documents issued by the Commission. If left blank, it will be assumed that the **MAILING ADDRESS** is the same as the **PHYSICAL ADDRESS**.

7. **Attorney** (if applicable)

Lloyd R. Persun, Esquire (717) 620-2440

Attorney's Name & Telephone Number for this Filing

Persun & Heim, P.C., P.O. Box 659, Mechanicsburg, PA 17055-0659

Attorney's Address

An attorney's name should only be entered if an attorney is filing the application for a client and the application is being sent under the attorney's cover letter.

8. **Does applicant hold interstate operating authority?**

No  Yes, at No. \_\_\_\_\_

9. **Describe the service area proposed by this application.**

(Use the space below or attach additional sheet if space provided is not sufficient).

See attached.

*Example:*

*To transport people in their own vehicles, limited to persons who frequent establishments that serve alcohol, for the prevention of driving while intoxicated, between points within the city of Allentown, Lehigh County Pennsylvania.*

**10. Certification:**

Applicant certifies that it is not now engaged in unauthorized intrastate transportation for compensation between points in Pennsylvania and will not engage in said transportation unless and until authorization is received from the Pennsylvania Public Utility Commission.

Applicant further certifies that it understands the requirements of the Pennsylvania Public Utility Commission, especially as they relate to safety and insurance and that it may be subject to civil penalties, suspension or cancellation of the Certificate for failure to comply with Commission requirements.

Applicant further certifies that it understands that it is subject to an annual assessment based upon its reported gross Pennsylvania intrastate revenues; said assessment to help defray expenses incurred in regulating Motor Common Carriers of Persons in Experimental Service; and acknowledges that failure to report revenue and pay its annual assessment may result in civil penalties, suspension or cancellation of the certificate.

**Verification of Application**

I/We hereby state that the statement(s) made in this application is/are true and correct to the best of my/our knowledge and belief.

The undersigned understands that false statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

Mark K. Ryman, President

(Print Name)



(Signature)

5-29-14

(Date)

The verification of the application must be completed by the applicant appearing on Line 1 of the application by the named individual, all partners if a partnership, a member (if a limited liability company), or by the President or Secretary (if a corporation).

Revised 12/1/13

## SUPPLEMENT TO PARAGRAPHS 4 AND 9

### Scope of Authority Sought

To transport, by motor vehicle, persons in the experimental service of Transportation Network Service for passenger trips between points in the Counties of Columbia and Montour, the townships of Salem and Nescopeck and the Borough of Nescopeck, Luzerne County, and the Borough of Riverside, Northumberland County, and from points in said counties, townships and boroughs to points in Pennsylvania and return, excluding areas under the jurisdiction of the Philadelphia Parking Authority.

### Description of Service

The experimental service provided by the applicant will consist of its offering Transportation Network Service through a mobile software application to connect individuals seeking transportation with qualified drivers who use their own vehicles to provide the service. This service would utilize the latest electronic and social media forms of communication, including "Apps" and internet platform reservation services. The applicant will require the drivers to comply with the Commission's regulations and will obtain the required criminal background information and driver history information for all of the drivers. The applicant will maintain a policy providing for zero tolerance for the use of drugs and alcohol and will insure that the drivers are qualified pursuant to 52 Pa. Code §29.501 through §29.508.

### Shareholders and Officers

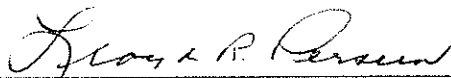
The shareholders are Mark K. Ryman (51%) and Tina L. Ryman (49%), his wife. The officers are:

President	-	Mark K. Ryman
Secretary-Treasurer	-	Tina L. Ryman

CERTIFICATE OF SERVICE

I, Lloyd R. Persun, Esquire, hereby certify that a copy of the foregoing Protest was served on October 6, 2016 by United States mail, first class, postage prepaid, upon the following addressed as follows:

Leon L. and Linda J. Fuller  
905 Miller Road  
Muncy, PA 17756



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Lloyd R. Persun, Esquire  
Attorney for MTR Transportation, Inc.  
t/d/b/a K-Cab Co.