



THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

CHARLES E. THOMAS, III
Direct Dial: 717.255.7611
cet3@tntlawfirm.com

March 26, 2018

Via Electronic Filing

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street, 2nd Floor
Harrisburg, PA 17120

Re: Bureau of Investigation & Enforcement v. Integrated Medical Transport, LLC
Docket No. C-2018-2601225

Dear Secretary Chiavetta:

Enclosed for filing on behalf of Integrated Medical Transport, LLC is its Answer to the Complaint of the Bureau of Investigation & Enforcement with New Matter in the above matter.

Please be advised that information contained in Exhibits 1 and 2 is considered **CONFIDENTIAL AND PROPRIETARY** and has been redacted from the Answer with New Matter enclosed herewith. The **CONFIDENTIAL AND PROPRIETARY** exhibits are being filed with Commission via hand delivery under separate seal.

Should you have any questions or need additional information, please do not hesitate to contact me.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By

Charles E. Thomas, III

Enclosure

cc: Certificate of Service
Matthew D. Rohman (via email)

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission :
Bureau of Investigation & Enforcement :
v. : Docket No. C-2018-2601225
Integrated Medical Transport, LLC :

NOTICE TO PLEAD

TO: Michael L. Swindler, Deputy Chief Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

YOU ARE HEREBY NOTIFIED that, pursuant to 52 Pa. Code § 5.63, if you do not file a written response to the following New Matter within twenty (20) days of service of this notice, the facts set forth may be deemed to be true, without requiring other proof. Any reply to the New Matter must be filed with the Secretary of the Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265, with a copy served on the undersigned counsel for Integrated Medical Transport, LLC.

Dated: March 26, 2018


Charles E. Thomas, III
THOMAS, NIESEN & THOMAS, LLC
212 Locust Street, Suite 302
Harrisburg, PA 17101
Tel: 717.255.7611
cet3@tntlawfirm.com

*Attorney for Respondent
Integrated Medical Transport, LLC*

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	
Bureau of Investigation & Enforcement	:	
	:	
v.	:	Docket No. C-2018-2601225
	:	
Integrated Medical Transport, LLC	:	

ANSWER TO COMPLAINT WITH NEW MATTER

AND NOW, comes Respondent Integrated Medical Transport, LLC (“IMT”), by and through its counsel, and, pursuant to 52 Pa. Code § 5.61, in *seriatim* fashion, answers the Complaint of the Pennsylvania Public Utility Commission’s (“Commission”) Bureau of Investigation & Enforcement (“I&E”), as follows:

ANSWER

1. Admitted.
2. Admitted.
3. Admitted in part; denied in part. IMT admits that evidence of insurance was filed on or about April 27, 2017. IMT denies all other averments in Paragraph 3 of the Complaint. IMT specifically denies that it had any knowledge or information that its operating rights were allegedly suspended on April 19, 2017 for failure to maintain evidence of insurance on file with the Commission, as it never received any notice or other documentation from the Commission advising of said suspension. IMT also specifically denies that there was a lapse of insurance coverage from April 19, 2017 through April 21, 2017, inclusive (the “Dispute Period”). By way of further response, as set forth in IMT’s New Matter below, IMT maintained sufficient insurance coverage at all times during the Dispute Period. Moreover, the evidence of insurance

(i.e., Form E) submitted on April 27, 2017 showed insurance coverage was effective on April 21, 2017.

4. Admitted in part; denied in part. IMT admits that a PUC enforcement officer contacted Mr. Rohman on or about December 19, 2017 to request trip sheets for the Dispute Period and that IMT operated its vehicles during the Dispute Period. IMT specifically denies that its operating rights had been suspended on April 19, 2017 or that it had any knowledge or information about the alleged suspension. By way of further response, as set forth in IMT's New Matter below, IMT maintained sufficient insurance coverage at all times during the Dispute Period.

5. There is no Paragraph 5 in I&E's Complaint.

6. Paragraph 6 states a conclusion of law to which no response is required and is therefore deemed denied. To the extent a response is required, IMT denies the averments in this paragraph, including, *inter alia*, that IMT operated its vehicles while under suspension and that it violated 52 Pa. Code §§ 32.2 and 32.11 and 66 Pa.C.S. § 501(c). By way of further response, as set forth in IMT's New Matter below, IMT maintained sufficient insurance coverage at all times during the Dispute Period, and the proposed penalties, including fines and cancellation of IMT's certificate of public convenience, are neither just, reasonable nor appropriate under the circumstances.

NEW MATTER

Pursuant to 52 Pa. Code § 5.62(b), IMT submits the following New Matter in response to the Complaint:

1. Paragraphs 1 through 6 of the Answer are incorporated by reference as if set forth fully at length.

2. At all times material hereto, including during the Dispute Period, IMT maintained sufficient, continuous bodily injury and property damage liability insurance coverage.

3. Last April, while finalizing its annual vehicle insurance coverage, IMT's insurance broker, Christian Baker Company, made a clerical error that *could* have resulted (but, importantly, did not) in a two day gap in coverage (*i.e.*, April 19, 2017 through April 20, 2017, inclusive) with its insurance carrier, National Liability & Fire Insurance Company ("National").

4. After discovering and admitting to the error, the broker obtained a two day gap policy (policy #S2226320) through another insurance carrier, Selective Insurance Company of America ("Selective"), to avoid a lapse in insurance coverage.

5. A commercial automobile endorsement for policy #S2226320 effective April 19, 2017 was issued to IMT by Selective on April 25, 2017.

6. Policy #S2226320 was cancelled effective April 21, 2017 pursuant to a subsequent endorsement issued to IMT by Selective on April 25, 2017.

7. Selective did not submit a Form E for the Dispute Period in April 2017 due to the short nature of the gap period.

8. Shortly after the Complaint was served on March 6, 2018, Selective contacted the Commission to submit a Form E to confirm evidence of coverage during the Dispute Period, but was informed by the Commission that a Form E could not be submitted for the brief coverage period and would not be accepted.

9. In a letter to the Commission dated March 12, 2018, Selective addressed the purported lapse of insurance coverage and, *inter alia*, verified that IMT maintained sufficient insurance coverage from Selective under policy #S2226320 effective April 19, 2017 through April 21, 2017 and that a Form E was not submitted in April 2017 because coverage was only

afforded for this brief time period. Copies of the commercial automobile endorsements for the policy were provided with and attached to that letter. A true and correct copy of Selective's March 12, 2018 letter with the policy endorsements effective April 19, 2017 and April 21, 2017 is attached hereto as **CONFIDENTIAL & PROPRIETARY Exhibit 1.**

10. On or about April 20, 2017, IMT obtained an annual insurance coverage policy through its preferred insurance carrier, National. Policy # 73APS072328 was bound on April 20, 2017 at 7:37 P.M. and became effective April 21, 2017. A true and correct copy of the Motor Carrier Information Exchange's National Online Registries confirming the Form E submitted by National to the Commission was effective April 21, 2017, along with the policy's Declarations, is attached hereto as **CONFIDENTIAL & PROPRIETARY Exhibit 2.**

11. At all times material hereto, IMT obeyed and complied with its obligations under the Commission's regulations at 52 Pa. Code Ch. 32 and Section 501(c) of the Public Utility Code, 66 Pa.C.S. § 501(c). To the extent deemed otherwise, IMT submits that Selective's decision not to submit a Form E in April 2017 for the two day gap policy and the Commission's refusal to accept a Form E from Selective for the Dispute Period made it impossible for IMT to comply with its obligations to maintain evidence of insurance on file with the Commission in accordance with 52 Pa. Code Ch. 32.

12. Based on the foregoing facts, the proposed fine of \$3,000 and cancellation of IMT's certificate of public convenience at Docket No. A-2016-2567318 are unjust, unreasonable, and inappropriate.

WHEREFORE, for the reasons set forth above, Integrated Medical Transport, LLC respectfully requests that the Pennsylvania Public Utility Commission dismiss or deny the Complaint of the Bureau of Investigation & Enforcement at Docket No. C-2018-2601225 and grant such other relief as may be just and reasonable and consistent with the Public Utility Code.

Respectfully submitted,



Charles E. Thomas, III
PA Attorney ID # 201014
THOMAS, NIESEN & THOMAS, LLC
212 Locust Street, Suite 302
Harrisburg, PA 17101
Tel: 717.255.7611
cet3@tntlawfirm.com

*Attorney for Respondent
Integrated Medical Transport, LLC*

DATED: March 26, 2018

EXHIBIT 1

[CONTAINS CONFIDENTIAL & PROPRIETARY INFORMATION]

[REDACTED]

EXHIBIT 2

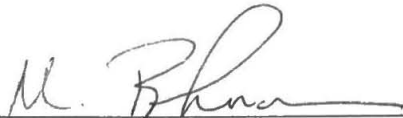
[CONTAINS CONFIDENTIAL & PROPRIETARY INFORMATION]

[REDACTED]

VERIFICATION

I, Matthew D. Rohman, state that I am Director of Integrated Medical Transport LLC, that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Date: March 26, 2018



Matthew D. Rohman

Before The
PENNSYLVANIA PUBLIC UTILITY COMMISSION

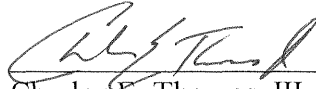
Pennsylvania Public Utility Commission :
Bureau of Investigation & Enforcement :
v. : Docket No. C-2018-2601225
Integrated Medical Transport, LLC :

CERTIFICATE OF SERVICE

I hereby certify that I have this 26th day of March, 2018, served a true and correct copy of the foregoing document upon the persons, listed below, in accordance with the requirements of 52 Pa. Code § 1.54:

Via First Class Mail

Michael L. Swindler, Deputy Chief Prosecutor
Bureau of Investigation & Enforcement
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265



Charles E. Thomas, III
PA Attorney ID # 201014