

# PAGE, WOLFBERG & WIRTH LLC

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3 MEMBER, CALIFORNIA BAR  
4 MEMBER, TENNESSEE BAR

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February 15, 2019

VIA CERTIFIED MAIL NO. 7016 1970 0000 8328 4882

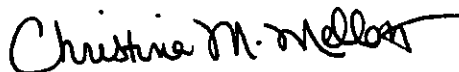
Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building – 2<sup>nd</sup> Floor  
400 North Street  
Harrisburg, PA 17120

**Re: Application for Paratransit Authority for  
Constable Transport Service Limited Liability Company**

Dear Secretary Chiavetta:

This firm represents Constable Transport Service Limited Liability Company. Enclosed for filing, please find the original and one copy of the PUC Application, Verified Statement of the Applicant, a self-addressed envelope, and an attorney's check for the \$350 filing fee for an Application for Common Carrier Paratransit Service for Constable Transport Service Limited Liability Company. Please date-stamp and return the copy to me in the enclosed envelope.

Very truly yours,



Christina M. Mellott

CMM:ms  
Enclosures

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February 15, 2019

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cc: Constable Transport Service Limited Liability Company

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Revised 7/17/17

Secretary  
Pennsylvania Public Utility Commission  
400 North Street, Second Floor  
Harrisburg, PA 17120  
(717) 772-7777  
[www.puc.pa.gov](http://www.puc.pa.gov)

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PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

## Application for Motor Common Carrier of Persons in Paratransit Service

THIS APPLICATION IS TO BE USED FOR COMMON CARRIER PASSENGER SERVICE WHEN PROVIDING TRANSPORTATION ON A NONEXCLUSIVE, ADVANCE RESERVATION BASIS.

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

Constable Transport Service Limited Liability Company

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- 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)

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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 Vans" 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 Vans" or "J. Doe Vans" 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- 6419196

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 6368134  
(See checklist and indicate type of business entity registered)

5. **If either a corporation or limited liability company please list members (LLC) or shareholders and officers (corporation).**

Shawn Fariello - sole member

_____	_____
_____	_____
_____	_____

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

4340 Winfield Terr.

Street Address

Bethlehem, PA 18045

City, State and Zip Code

(484) 239-2660

Northampton

Telephone Number

County

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

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

Street Address

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**.

8. **Attorney** (if applicable)

Christina Mellott, Esq.; Page, Wolfberg & Wirth, LLC

(717) 691-0100

Attorney's Name & Telephone Number for this Filing

5010 E. Trindle Rd. Ste. 202, Mechanicsburg, PA 17050

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.

9. **Does applicant have a USDOT Number?**

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

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

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

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To transport, as a common carrier, persons in paratransit service, from points in Bethlehem Township, Northampton County and within an airline distance of 90 statutory miles of the municipality (excluding points of origin in Bucks, Chester, Montgomery, Northumberland and Schuylkill Counties), to points in Pennsylvania and return.

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*Examples:*

- *To transport people whose personal convictions prevent them from owning or operating motor vehicles from points in Lancaster County to points in PA, and return.*
- *To transport people from the city and county of Philadelphia to correctional facilities in PA, and return.*
- *To transport people in wheelchair and stretcher vans from points in the city of Pittsburgh to points in Allegheny County, and return.*
- *To transport people between points in Northumberland County.*

**11. 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 Paratransit 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.

Shawn Fariello

(Print Name)

*Shawn Fariello*

(Signature)

*02/04/2019*

(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 7/17/17

## VERIFIED STATEMENT OF APPLICANT

THE FOLLOWING INFORMATION IS REQUIRED BY THE COMMISSION TO DETERMINE THE APPLICANT'S FITNESS TO OPERATE. STATEMENTS SHOULD BE TYPED OR PRINTED. ILLEGIBLE STATEMENTS WILL DELAY YOUR APPLICATION.

### Constable Transport Service Limited Liability Company

Legal Name of Applicant

Trade Name, if any

4340 Winfield Terr.

Bethlehem

PA

18045

Street Address (principal place of business)

City or Municipality

State

Zip Code

The Verified Statement of the Applicant factual details about your proposed transportation service. Your Verified Statement must answer all of the items listed below and on the following pages. Provide as much information as possible to prevent delay in processing your application. If you need more space to provide your answer, please attach additional pages identifying the appropriate item number.

1. Identify the person making the Verified Statement on behalf of the applicant. If an employee/officer of applicant is making the statement, give name, title, business address and telephone number.

Shawn Fariello, Sole Member  
Constable Transport Service Limited Liability Company  
4340 Winfield Terr.  
Bethlehem, PA 18045  
(484) 239-2660

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2. List the applicant's affiliation (owner, manager, controls) with any other carrier, with the description of affiliation.  
  
N/A
3. Describe your facilities, record maintenance plan and your communication network. Please include a description of your physical location, to including office machines that will be utilized, and the facility to house vehicles. As a carrier of household goods in use, applicant should include a description of storage facilities, if applicable. Please include an explanation of your plan to maintain records required by the PUC, as well as normal business records. In regard to your communication network, please explain how you will receive customer requests for transportation, how you will dispatch the vehicles to fulfill the request, and how you will maintain continuous communication with your drivers.

#### Facilities:

Constable Transport Service Limited Liability Company is located in Bethlehem Township, PA. The building has a 120 square foot office area, which has a fax machine, a printer/scanner, a telephone, and a computer, as well as a bathroom, a kitchen and a laundry room.

#### Records:

A computerized transport report is documented through a software program for each transport. After the billing for the transport is completed, all records are kept on paper and/or electronically for a period of 10 years. Constable Transport Service Limited Liability Company evaluates each transport for quality assurance.

#### Record Maintenance Plan:

All records are stored either in paper form or electronically for a minimum of 10 years. This includes requests for service, unit assigned to the

transport, date/time of the transport, and the person completing the transport. Normal business records are maintained in a similar fashion.

Communication Network:

Communications are accomplished by telephone, cellular phone and email. Customer requests for transport are received by calling in a request for a transport. Transports are scheduled, and personnel are assigned by Shawn Fariello, the sole member of Constable Transport Service Limited Liability Company. All personnel providing transports for Constable Transport Service Limited Liability Company have a cell phone during all transports and are able to communicate with Mr. Fariello and any facility to and from which the person is being transported at all times during the transport.

Requests for transportation are able to be received and scheduled 24 hours a day. Records which are required to be maintained by the PUC are maintained as described in this paragraph and in compliance with all laws, regulations and policies of the Commission.

4. Please state the number of drivers you intend to use or hire in your business and explain why that number of drivers is appropriate for the size of the territory you will be serving. In addition, please explain:

a. Your hiring standards for drivers;

Constable Transport Service Limited Liability Company has 4 personnel available to provide services. Currently, all drivers must be Pennsylvania State Constables. Constable Transport Service Limited Liability Company is seeking to expand its paratransit services to provide wheelchair van service and is proposing to eliminate this requirement. All drivers will be and must be at least 21 years of age, possess a valid Pennsylvania driver's license, pass a Pennsylvania State Police criminal background check, motor vehicle record check, and be approved by the Company's insurance carrier.

Constable Transport Service Limited Liability Company has been successful since initially obtaining paratransit authority and is able to hire additional drivers to always ensure staffing levels are appropriate for the volume of transports it is conducting.

b. Your system for conducting criminal background checks;

All persons providing any services on behalf of Constable Transport Service Limited Liability Company have motor vehicle record checks and criminal background checks performed on them prior to allowing them to begin performing any services for Constable Transport Service Limited Liability Company. Constable Transport Service Limited Liability Company then completes annual checks of the motor vehicle records and criminal background checks on all persons providing services for the Company.

c. Your driver training program;

All drivers for Constable Transport Service Limited Liability Company are currently Pennsylvania State Constables that have already been trained to provide transportation in conformance with the transportation normally provided by Constables under Pennsylvania law and regulations. If and when it expands its services to eliminate this hiring requirement, it will develop an appropriate driving training program to ensure that all personnel are able to competently and safely operate all Company vehicles.

d. Your system for conducting driver license checks;

A current driver's license is kept on file and maintained by the Company. Annual checks are performed on each driver's motor vehicle records. When a driver's license is set to expire, the driver will receive a warning message that they are required to submit a copy of the renewed driver's license to the Company or they will be suspended from being able to drive for the Company. All drivers for the Company are required to immediately inform Mr. Fariello any time that they receive a driving citation that could result in a driver license suspension.

e. Your policies regarding alcohol and drug use by your drivers.

Constable Transport Service Limited Liability Company has a policy prohibiting the use of alcohol, illegal drugs, and prescription medication that may impair the ability to operate a motor vehicle or impair the ability to safely perform job duties. Personnel are tested for drugs and alcohol after every accident and upon reasonable suspicion.

5. Please state the number of vehicles you plan to use in your business and why that number is appropriate to provide reasonable and efficient service to the territory you will be serving. If you have already obtained vehicles for your business, please list them in the chart below.

<u>YEAR</u>	<u>MAKE</u>	<u>MODEL</u>	<u>SEATING CAPACITY*</u>	<u>VEHICLE ID #</u>	<u>MILEAGE</u>
2011	Ford	Expedition	8	1FMJU1J59BEF55720	141,000
2014	Cadillac	Escalade ESV	7	1GYS4HEF4ER201888	63,050

\*Vehicles with seating capacity of more than 15 passengers, including driver, can't be used in paratransit service.

6. Describe your vehicle safety program. Please include the following in your explanation:

a. Your periodic vehicle maintenance plan

All Company vehicles receive routine vehicle maintenance which is performed by a licensed vehicle repair shop. This routine maintenance is performed every 5,000 miles and includes maintenance/inspection on the following areas: Lighting, windshield and wiper blades, mirrors, brakes, tires, oil and lube, fluid level checks, under hood checks, Transmission oil, underbody checks, batteries, and Interior checks.

b. Your system for ensuring your vehicles will continuously comply with applicable Pennsylvania vehicle equipment standards (67 Pa. Code, Chapter 175).

All vehicles are inspected annually as required by law at a certified Pennsylvania inspection station. The equipment on the vehicles also receive periodic maintenance to ensure that they continue to function properly.

7. Please explain what steps you have taken to determine if you can obtain insurance and pay the required insurance premiums.

Constable Transport Service Limited Liability Company already has insurance on all of its vehicles in excess of the minimum amount required by the

**Statement of Financial Position (Balance Sheet)**  
**As of (date) 12/31/2018**

**ASSETS**

<b>Current Assets</b>		
Cash	\$40,000.00	
Other Current Assets (specify)	<u>\$5,500.00</u>	
Total Current Assets		<u>\$45,500.00</u>
<b>Tangible Assets</b>		
Motor Vehicle Equipment	<u>\$54,500.00</u>	
Property (buildings, land, etc.)	<u>0</u>	<u>\$54,500.00</u>
Office Equipment		<u>\$9800.00</u>
	<b>TOTAL ASSETS</b>	<u><b>\$109,800.00</b></u>

**LIABILITIES**

<b>Current Liabilities (Due within one year of date)</b>		
Loans	<u>0</u>	
Credit cards/revolving credit	<u>0</u>	
Other Liabilities (Attach schedule)	<u>0</u>	
Total Current Liabilities		<u>0</u>
<b>Long Term Liabilities (Due after one year of date)</b>		
Mortgage	<u>0</u>	
Long term commercial loan	<u>\$28,400.00</u>	
Other Liabilities (Attach Schedule)	<u>0</u>	
Total Long Term Liabilities		<u>\$28,400.00</u>
	<b>TOTAL LIABILITIES</b>	<u><b>\$28,400.00</b></u>

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Commission, and it is confident that it will be able to continue to pay for this coverage.

8. State whether the applicant has been convicted of a misdemeanor or felony. If applicant is partnership, limited liability partnership, corporation, or limited liability company this question applies to all members, officers, and/or shareholders. If "YES", explain.

YES  NO

9. Financial Data. Complete the "Statement of Financial Position", which follows this page. Please feel free to also provide additional information explaining why you believe you have sufficient funds to ensure your transportation business can provide reliable service to the public in a safe manner.

### Verification of Statement

The undersigned deposes and says that he/she is authorized to and does make this verification and that the facts set forth therein are true and correct to the best of his/her knowledge, information, and belief. The undersigned understands that false statements herein are made subject to penalties of 18 Pa. C. S. Section 4904 relating to unsworn falsification to authorities.

Shawn Fariello

(Signature)

02/04/2019

(Date)

Shawn Fariello, Sole Member

(Name and Title, printed or typed)

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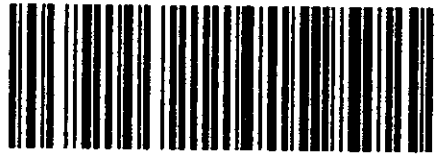
FEB 15 2019

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Page, Wolfberg & Wirth, LLC  
5010 East Trindle Road, Suite 202  
Mechanicsburg, PA 17050

PLACE STICKER AT TOP OF ENVELOPE TO THE RIGHT  
OF THE RETURN ADDRESS. FOLD AT DOTTED LINE

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**First Class Mail**

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