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January 6, 2020

VIA E-FILING

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

Re: Application of Senior Care Centers of Pennsylvania, Inc. for Authority to Transport Persons in Paratransit Service Between Points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia;
Docket No. A-2019-3014494

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Joint Protest of Bucks County Transport, Inc., Bux-Mont Transportation, Inc., Easton Coach Company, Suburban Transit Network, Inc., and Tri County Transit Service, Inc. in the above-captioned proceeding.

Copies are being served in accordance with the attached Certificate of Service. Please contact me with any questions or concerns.

Respectfully submitted,



Tanya C. Leshko

TCL/tlg
Enclosure
cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Senior Care Centers of :
Pennsylvania, Inc. for Authority to Transport :
Persons in Paratransit Service Between :
Points in the Counties of Bucks, Chester, : Docket No. A-2019-3014494
Delaware and Montgomery, and the City and :
County of Philadelphia :

**JOINT PROTEST OF BUCKS COUNTY TRANSPORT, INC., BUX-MONT
TRANSPORTATION, INC., EASTON COACH COMPANY, SUBURBAN TRANSIT
NETWORK, INC., AND TRI COUNTY TRANSIT SERVICE, INC.**

Bucks County Transport, Inc. (“BCT”), Bux-Mont Transportation, Inc. (“Bux-Mont”), Easton Coach Company (“Easton”), Suburban Transit Network, Inc. (“TransNet”), and Tri County Transit Service, Inc. (“Tri County”) (collectively, the “Joint Protestants”), by and through their attorneys, hereby file this Joint Protest to the above-referenced Application pursuant to 52 Pa. Code §§ 3.381(c), 5.51, and state as follows:

I. INTRODUCTION / PROTESTANTS

1. BCT’s full name and address is:

Bucks County Transport, Inc.
Buckingham Green 2
PO Box 510
Holicong, PA 18928
215-794-5554

- Bux-Mont’s full name and address is:

Bux-Mont Transportation, Inc.
726 Fitzwatertown Rd.
Willow Grove, PA 19090
215-659-8865

Easton's full name and address is:

Easton Coach Company
1200 Conroy Place
Easton, PA 18040
610-252-8667

TransNet's full name and address is:

Suburban Transit Network, Inc.
Union Meeting Corporate Center
980 Harvest Drive, Suite 100
Blue Bell, PA 19422
215-542-7433

Tri County's full name and address is:

Tri County Transit Service, Inc.
110 Industrial Parkway
Sanatoga, PA 19464
610-495-5640

The name, address and telephone number of Joint Protestants' attorneys are:

John F. Povilaitis (PA I.D. #28944)
Alan Michael Seltzer (PA I.D. #27890)
Tanya C. Leshko (PA I.D. #78787) (Primary Contact)
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alan.seltzer@bipc.com
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The Joint Protestants request that all pleadings, correspondence and other documents in this matter be directed to their attorneys.

II. JOINT PROTESTANTS' INTEREST IN THE APPLICATION

2. BCT holds authority from the Pennsylvania Public Utility Commission ("PaPUC" or "Commission") to transport persons as a common carrier in paratransit service between points in Bucks County and to points in the counties of Northampton, Lehigh, Montgomery and

Philadelphia, and return. As a carrier in the paratransit industry operating where Senior Care Centers of Pennsylvania, Inc. (“Applicant” or “SCCP”) proposes to offer service, BCT has a substantial interest in ensuring that the public is served by carriers that have sufficient technical expertise, financial capacity and a propensity to operate safely and legally, as required by the Commission and applicable law. BCT currently holds PaPUC authority and operates under the following authorizations: Docket No. A-00107294, Folder 2, Am-C; Docket No. A-00107294.

3. Bux-Mont holds authority from the PaPUC to transport persons as a common carrier in paratransit service between points in Bucks County and to points in the counties of Montgomery and Philadelphia, and return. As a carrier in the paratransit industry operating where the Applicant proposes to offer service, Bux-Mont has a substantial interest in ensuring that the public is served by carriers that have sufficient technical expertise, financial capacity and a propensity to operate safely and legally, as required by the Commission and applicable law. Bux-Mont currently holds PaPUC authority and operates under the following authorizations: Docket No. A-00087075, Folders 1, 2, 3, 4, 5, 6; Docket No. A-00087075, Folders 2, 3, 3 Am-A, 4; Docket No. A-00087075, Folders 5/A-2009-2123552, 5 Am-A; Docket No. A-00087075, Folder 6; Docket No. A-00087075, Folder 7.

4. Easton holds authority from the PaPUC to transport persons as a common carrier in paratransit service between points in the borough of Norristown, Montgomery County, between points in the borough of Norristown and within an airline distance of five (5) miles of the limits of the Borough of Norristown, and in the township of Whitmarsh, Montgomery County. As a carrier in the paratransit industry operating where the Applicant proposes to offer service, Easton has a substantial interest in ensuring that the public is served by carriers that have sufficient technical expertise, financial capacity and a propensity to operate safely and legally, as required by the

Commission and applicable law. Easton currently holds PaPUC paratransit authority and operates under the following authorizations: Docket No. A-00118835/A-2014-2415540.

5. TransNet holds authority from the PaPUC to transport persons as a common carrier in paratransit service between points in Montgomery County and from points in Montgomery County to points in the counties of Chester, Delaware, Philadelphia and Bucks and return. As a carrier in the paratransit industry operating where the Applicant proposes to offer service, TransNet has a substantial interest in ensuring that the public is served by carriers that have sufficient technical expertise, financial capacity and a propensity to operate safely and legally, as required by the Commission. TransNet currently holds PaPUC authority and operates under the following authorizations: Docket No. A-00102219, F.2; Docket No. A-00102219, F.1, Am-A.

6. Tri County holds authority from the PaPUC to transport persons as a common carrier in paratransit service between points in the borough of Pottstown, Montgomery County, and within an airline distance of fifteen (15) miles of the limits of the Borough of Pottstown. As a carrier in the paratransit industry operating where the Applicant proposes to offer service, Tri County has a substantial interest in ensuring that the public is served by carriers that have sufficient technical expertise, financial capacity and a propensity to operate safely and legally, as required by the Commission and applicable law. Tri County currently holds PaPUC authority and operates under the following authorizations: Docket No. A-00112826, F.2.

7. The Applicant has sought Commission authority to provide paratransit service in geographic territories that overlap with geographic areas in which the Joint Protestants currently provide paratransit service. The Applicant has requested authority for a significant service territory in the Commonwealth of Pennsylvania that encompasses the Counties of Bucks, Montgomery, Chester, and Delaware, and the City and County of Philadelphia. As such, the Joint

Protestants have a substantial interest in the outcome of this Application proceeding that will not be addressed by any other participant.

III. GROUNDS FOR PROTEST

8. As the proponent of an order seeking the issuance of a certificate of public convenience, the Applicant carries the burden of proof. 66 Pa.C.S. § 332(a). SCCP has not made a sufficient and adequate showing that it possesses, or is likely to possess, the capability to provide safe, efficient and reasonable services so as to allow the Commission to find or determine that granting a certificate of public convenience to the Applicant is necessary or proper for the service, accommodation, convenience or safety of the public pursuant to Section 1103(a) of the Public Utility Code. 66 Pa.C.S. § 1103(a).

9. In the absence of on-the-record presentations, Applicant has not demonstrated the technical and financial ability to provide the proposed service in a safe, reliable and legal manner. The Application lacks sufficient information regarding Applicant’s fitness. It specifically fails to demonstrate that Applicant has sufficient facilities, vehicles, adequate personnel with sufficient technical expertise and experience, and financial resources to serve its proposed territory.

10. On the issue of technical fitness, the Applicant has not provided sufficient information that it has sufficient facilities to serve the proposed territory. The Application does not clarify whether the proposed main transportation facility has already been acquired or is yet to be acquired by SCCP, and whether it is actually located at the physical address provided in the Application. The physical address provided in the Application for the “actual location of the business” and which “the Commission needs in order to dispatch Enforcement Officers to inspect equipment” appears to be a street address for a shopping center in Broomall, PA. Application ¶ 6.

11. Applicant has not adequately demonstrated that its current principals or drivers possess sufficient expertise and experience to serve the proposed territory, nor that the number of drivers and vehicles it intends to hire or use to serve the proposed service territory is adequate or appropriate. Applicant asserts that driver training including 15-25 hours of driver training plus 6-10 hours of “Behind-The-Wheel” training, but has offered no evidence that individuals qualified to provide such evaluation, training and testing are part of the business. Application Verified Statement ¶ 4 and ¶ 5.

12. Applicant states that it intends to provide “daily fixed and assigned routes at five different Adult Day health care facilities located throughout Philadelphia, Delaware and Bucks Counties.” A common carrier operating paratransit service may be granted no right, power or privilege to provide services as described in 52 Pa. Code §§ 29.301-29.305 (relating to scheduled route service).

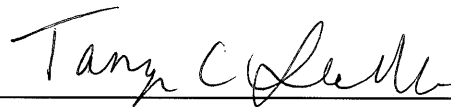
13. Joint Protestants continue to review the nature of the services being provided and reserve the right to supplement this Protest.

14. Subject to addressing and resolving the deficiencies in the Application noted above, the Joint Protestants are willing to discuss with the Applicant limitations on its operations so as not to adversely impact the public utilizing SCCP’s paratransit service.

WHEREFORE, for all the foregoing reasons, the Joint Protestants respectfully request that they be granted full party status in this proceeding as Protestants and, absent a resolution of this proceeding in the next sixty (60) days, that hearings be scheduled so that the Commission may develop an evidentiary record concerning the issues raised in this Joint Protest, and that the Application of Senior Care Centers of Pennsylvania, Inc. be denied.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY, P.C.




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Attorneys for Bucks County Transport, Inc., Bux-Mont Transportation, Inc., Easton Coach Company, Suburban Transit Network, Inc., and Tri County Transit Service, Inc.

Dated: January 6, 2020

VERIFICATION

I, James A. Raymond, certify that I am Chief Financial Officer of Bucks County Transport, Inc., and that in this capacity I am authorized to, and do make this Verification on their behalf, that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and that Bucks County Transport, Inc. expects to be able to prove the same at any hearing that may be held in this matter. I understand that false statements made therein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.



James A. Raymond, CFO
Bucks County Transport, Inc.

DATED: January 6, 2020

VERIFICATION

I, R. Samuel Valenza, certify that I am President and Chief Executive Officer of Bux-Mont Transportation, Inc., and that in this capacity I am authorized to, and do make this Verification on their behalf, that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and that Bux-Mont Transportation, Inc. expects to be able to prove the same at any hearing that may be held in this matter. I understand that false statements made therein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.



R. Samuel Valenza, President & CEO
Bux-Mont Transportation, Inc.

DATED: January 6, 2020

VERIFICATION

I, Mark Glatz, certify that I am Executive Vice President of Easton Coach Company, and that in this capacity I am authorized to, and do make this Verification on their behalf, that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and that Easton Coach Company expects to be able to prove the same at any hearing that may be held in this matter. I understand that false statements made therein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.

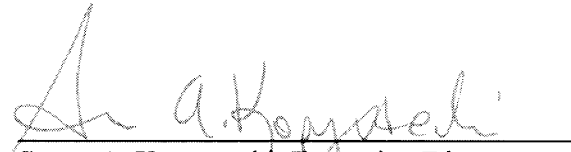


Mark Glatz, EVP
Easton Coach Company

DATED: January 6, 2020

VERIFICATION

I, Susan A. Kopystecki, certify that I am Executive Director of Suburban Transit Network, Inc., and that in this capacity I am authorized to, and do make this Verification on their behalf, that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and that Suburban Transit Network, Inc. expects to be able to prove the same at any hearing that may be held in this matter. I understand that false statements made therein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.


Susan A. Kopystecki, Executive Director
Suburban Transit Network, Inc.

DATED: January 6, 2020

VERIFICATION

I, James P. Tammaro, certify that I am General Manager of Tri County Transit Service, Inc., and that in this capacity I am authorized to, and do make this Verification on their behalf, that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information and belief, and that Tri County Transit Service, Inc. expects to be able to prove the same at any hearing that may be held in this matter. I understand that false statements made therein are made subject to the penalties of 18 Pa. C.S. § 4904, relating to unsworn falsifications to authorities.

A handwritten signature in black ink, appearing to read 'J. P. Tammaro', is written over a horizontal line.

James P. Tammaro, General Manager
Tri County Transit Service, Inc.

DATED: January 6, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Senior Care Centers of :
Pennsylvania, Inc. for Authority to Transport :
Persons in Paratransit Service Between : Docket No. A-2019-3014494
Points in the Counties of Bucks, Chester, :
Delaware and Montgomery, and the City and :
County of Philadelphia :

CERTIFICATE OF SERVICE


I hereby certify that this day I served a copy of the foregoing document upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code § 1.54.

Via First Class Mail and/or Email:

Robert Creamer, CEO/Board President
Senior Care Centers of Pennsylvania, Inc.
6 Neshaminy Interplex, Suite 401
Trevose, PA 19053

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Charles E. Thomas, III
Thomas, Neisen, & Thomas, LLC
212 Locust Street, Suite 302
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cet3@tntlawfirm.com
*Counsel to Rover Community Transportation,
Inc.*

Date: January 6, 2020



Tanya C. Leshko