



THOMAS, NIESEN & THOMAS, LLC

*Attorneys and Counsellors at Law*

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January 16, 2020

*Via Electronic 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.  
Docket No. A-2019-3014494

Dear Secretary Chiavetta:

Enclosed for filing on behalf of Rover Community Transportation, Inc. is an Amendment and Supplement to its Protest to the above-referenced Application of Senior Care Centers of Pennsylvania, Inc. Copies of the Amendment and Supplement to Protest are being served in accordance with the Certificate of Service attached to it.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By 

Thomas T. Niesen

Enclosure

cc: Certificate of Service (w/encl.)  
Dale N. Krapf (w/encl.)  
Gary D. Krapf (w/encl.)

**Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

**Application of Senior Care** : **Docket No. A-2019-3014494**  
**Centers of Pennsylvania, Inc.** :

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**AMENDMENT AND SUPPLEMENT TO PROTEST OF  
ROVER COMMUNITY TRANSPORTATION, INC.**

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TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

AND NOW, comes Rover Community Transportation, Inc. (“Protestant”), by its attorneys, and hereby amends and supplements its Protest to the above-captioned application for transportation of persons in paratransit service (“Application”). In support, Protestant respectfully represents:

1. This proceeding concerns the Application of Senior Care Centers of Pennsylvania, Inc. (“Applicant”) to transport, as a common carrier, persons in paratransit service, between points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia.

2. Protestant holds authority of the Pennsylvania Public Utility Commission (“Commission”) in conflict with the Chester County portion of the authority Applicant seeks.

3. Protestant filed a timely Protest to the Application on December 31, 2019. The authority held by Protestant at A-6414067, upon which its protest is predicated, was attached as Attachment A to Protestant’s Protest. Protestant hereby incorporates by reference as if restated fully at length herein its Protest and the averments set forth therein. 52 Pa. Code § 1.33.

4. In its Protest, Protestant expressed its concern that the Application, as currently constituted, is not necessary or proper for the service, accommodation, convenience or safety of the public and would be contrary to the public interest.

5. In regard to the foregoing and in amendment and supplementation to its Protest, Protestant submits that a review of the Commission online docket system for this matter shows that, following the filing of its Application on or about November 21, 2019, the Commission issued a data request directing Applicant to restate its proposed service territory and in doing so “ONLY SPECIFY AREAS FROM WHICH YOU WISH TO ORIGINATE SERVICE.”<sup>1</sup>

6. On or about November 25, 2019, Applicant replied to the Commission’s data request stating that “Senior Care Centers of Pennsylvania, Inc. will provide non-emergency medical transport for passengers between points in the counties of Bucks, Montgomery, Philadelphia, Delaware, and Chester.” A copy of Applicant’s data request reply is attached hereto as **Attachment A**.

7. The inclusion of Chester County as an area of service origination is contrary to the Verified Statement attached to the Application which states that Applicant’s proposed service “will cover daily fixed and assigned routes at *five different Adult Day health care facilities located throughout Philadelphia, Delaware and Bucks Counties.*”<sup>2</sup>

8. Since Applicant is not planning to serve a Chester County facility (service is planned, rather, only to facilities located throughout Philadelphia, Delaware and Bucks Counties), Applicant, by including Chester County as an originating area in its restated proposed service area, has overstated its proposed service territory.

9. Applicant should remove Chester County from its proposed originating territory. Indeed, Applicant makes no claim to originate service in a Chester County facility even if it were to expand its service from what it originally contemplates. Should Applicant decline to voluntarily remove Chester County then the Commission should do so.

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<sup>1</sup> See Docket No. A-2019-3014494, Secretarial Letter and Data Request (Nov. 22, 2019).

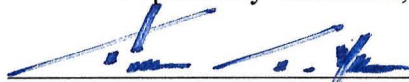
<sup>2</sup> See Application, Verified Statement at 6 ¶ 4 (emphasis added).

10. The removal of Chester County as an area of service origination would resolve Protestant's Protest.

WHEREFORE, Rover Community Transportation, Inc. respectfully amends and supplements its Protest as aforesaid.

Respectfully submitted,

DATED: January 16, 2020



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Thomas T. Niesen, Esq. (PA ID # 31379)  
Charles E. Thomas, III, Esq. (PA ID # 201014)  
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cet3@tntlawfirm.com

*Attorneys for Protestant  
Rover Community Transportation, Inc.*

# **ATTACHMENT A**



COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
400 NORTH ST, HARRISBURG, PA 17120

IN REPLY PLEASE  
REFER TO OUR FILE

November 22, 2019

Docket No. A-2019-3014494

SENIOR CARE CENTERS OF PENNSYLVANIA INC  
6 NESHAMINY INTERPLEX SUITE 401  
TREVOSSE PA 19053

RECEIVED

NOV 25 2019

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

RE: A-2019-3014494 – APPLICATION OF SENIOR CARE CENTERS OF  
PENNSYLVANIA, INC.

To Whom It May Concern:

On November 21, 2019, the applicant of SENIOR CARE CENTERS OF PENNSYLVANIA, INC., was accepted by the Pennsylvania public Utility Commission; however, issues must be addressed before publication to the Pennsylvania Bulletin may proceed. Please review page three of this correspondence for additional information and respond appropriately.

Please forward the information to the Secretary of the Commission at the following address **within ten (10) working days** from the date of this letter.

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
400 North St.  
Harrisburg, PA 17120

Your answers should be verified per 52 Pa Code § 1.36. Accordingly, you must provide the following statement with your responses:

I, Joseph Galiva hereby state 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 a 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).

The blank should be filled in with the name of the appropriate company representative, and the signature of that representative should follow the statement.

Docket No. A-2019-3014494  
SENIOR CARE CENTERS OF PENNSYLVANIA, INC.  
Data Request

1. In order for this Commission to accept your proposed service area for publishing to the Pennsylvania Bulletin we require that the area be fully bound, and easily discernible. This may be achieved by the use of municipal boundaries, roads, railroads, or natural boundaries such as rivers or streams, etc. YOU SHOULD ONLY SPECIFY AREAS FROM WHICH YOU WISH TO ORIGINATE SERVICE. These places must be specifically listed.

Example:

- Between points in Allegheny County.
- Between points in the counties of Allegheny, Westmoreland, and Washington
- From points in Allegheny County, to points in PA, and return
- From points in the counties of Allegheny, Westmoreland, and Washington, , to points in PA, and return

Please revise your service area utilizing the guidance provided above.

*See Attached*

RECEIVED

NOV 25 2019

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

10. **Describe the service area proposed by this application.**  
(Use the space below or attach additional sheet if space provided is not sufficient).
- 

Revision [ **Senior Care Centers of Pennsylvania, Inc. will provide non-emergency medical transport for passengers between points in the counties of Bucks, Montgomery, Philadelphia, Delaware, and Chester.**

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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.

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NOV 25 2019

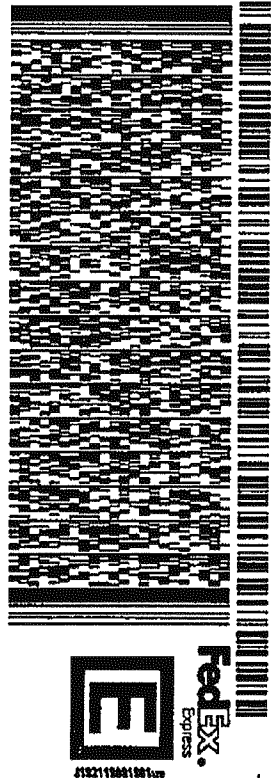
PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

ORIGIN ID: NXXX (215) 642-6600  
ACTIVE DAY  
6 NESHAMINY INTERPLEX  
SUITE 401  
TREVOSE, PA 19053  
UNITED STATES US

SHIP DATE: 25NOV19  
ACTWGST: 0.50 LB  
CAD: 100715660/N/ET4160  
BILL SENDER

TO ROSEMARY CHIAVETTA, SECRETARY  
DOCKET NO. A-2019-3014494  
PA PUBLIC UTILITY COMMISSION  
400 NORTH ST.  
HARRISBURG PA 17120

REF: (000) 000-0000  
INV: PO: DEPT:



TRK# 7770 7838 1981  
TUE - 26 NOV 10:30A  
PRIORITY OVERNIGHT

EN MDTA  
PA-US 17120 MDT  
Large barcode

**After printing this label:**

1. Use the 'Print' button on this page to print your label to your laser or inkjet printer.
2. Fold the printed page along the horizontal line.
3. Place label in shipping pouch and affix it to your shipment so that the barcode portion of the label can be read and scanned.

**Warning:** Use only the printed original label for shipping. Using a photocopy of this label for shipping purposes is fraudulent and could result in additional billing charges, along with the cancellation of your FedEx account number.

Use of this system constitutes your agreement to the service conditions in the current FedEx Service Guide, available on [fedex.com](http://fedex.com). FedEx will not be responsible for any claim in excess of \$100 per package, whether the result of loss, damage, delay, non-delivery, misdelivery, or misinformation, unless you declare a higher value, pay an additional charge, document your actual loss and file a timely claim. Limitations found in the current FedEx Service Guide apply. Your right to recover from FedEx for any loss, including intrinsic value of the package, loss of sales, income interest, profit, attorney's fees, costs, and other forms of damage whether direct, incidental, consequential, or special is limited to the greater of \$100 or the authorized declared value. Recovery cannot exceed actual documented loss. Maximum for items of extraordinary value is \$1,000, e.g. jewelry, precious metals, negotiable instruments and other items listed in our Service Guide. Written claims must be filed within strict time limits, see current FedEx Service Guide.

**VERIFICATION**

I, Gary D. Krapf, President of Rover Community Transportation, Inc., hereby state that the facts above set forth in its Amendment and Supplement to Protest are true and correct to the best of my knowledge, information and belief and that I expect Rover Community Transportation, Inc. to be able to prove the same at a 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).

Dated: January 16, 2020

A handwritten signature in blue ink, appearing to read "Gary D. Krapf", is written above a horizontal line.

Gary D. Krapf

**CERTIFICATE OF SERVICE**

I hereby certify that I have this 16<sup>th</sup> day of January, 2020, served a true and correct copy of the foregoing Amendment and Supplement to Protest of Rover Community Transportation, Inc., upon the upon the persons listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):


Via First Class Mail, Postage Prepaid

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

Attn: Joseph Caliva, Transportation Manager  
Senior Care Centers of Pennsylvania, Inc.  
590 Reed Road, Unit B2  
Broomall, PA 19008

J. Brooks DiDonato, Esq.  
Parker McCay  
9000 Midlantic Drive, Suite 300  
P.O. Box 5054  
Mount Laurel NJ 08054-5054

Tanya C. Leshko, Esq.  
Buchanan Ingersoll & Rooney  
409 North Second Street  
Suite 500  
Harrisburg, PA 17101-1357

  
\_\_\_\_\_  
Thomas T. Niesen (PA ID # 31379)