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January 24, 2020

Via Electronic Filing

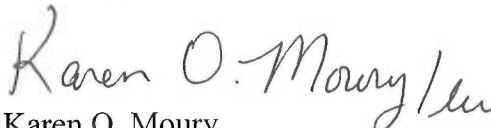
Rosemary Chiavetta, Secretary
PA Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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:

Earlier today I electronically filed Senior Care Centers of Pennsylvania, Inc.'s Motion to Dismiss Joint Protest of Bucks County Transport, Inc., Bux-Mont Transportation, Inc., Easton Coach Company, Suburban Transit, Inc. and Tri County Transit Service, Inc. with regard to the above-referenced matter. I inadvertently forgot to attach a Notice to Plead to the filing. Enclosed please find a Motion to Dismiss Joint Protest with a Notice to Plead attached thereto. Copies to be served in accordance with the attached Certificate of Service.

Sincerely,


Karen O. Moury

KOM/lww
Enclosure

cc: Hon. Darlene Heep w/enc.
Cert. of Service w/enc.

CERTIFICATE OF SERVICE

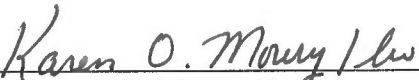
I hereby certify that this day I served a copy of Senior Care Centers' Motion to Dismiss Joint Protest of Bucks County Transport et al., upon the persons listed below in the manner indicated in accordance with the requirements of 52 Pa. Code Section 1.54.

Via First Class Mail and/or Email

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Dated: January 24, 2020



Karen O. Moury, Esq.

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

NOTICE TO PLEAD

TO:

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


You are hereby notified that an Answer to the enclosed **Motion to Dismiss** of Senior Care Centers of Pennsylvania, Inc. must be filed within 20 days of the date of service. All pleadings, such as an Answer, must be filed with the Secretary of the Pennsylvania Public Utility Commission with a copy served to counsel for the Authority and the Office of Administrative Law Judge.

File with:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
PO Box 3265
Harrisburg, PA 17105-3265

With a copy to:

Karen O. Moury
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Karen O. Moury, Esquire
Attorney for Senior Care Centers of Pennsylvania, Inc.

Date: January 24, 2020

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**SENIOR CARE CENTERS OF PENNSYLVANIA, INC.’S MOTION TO DISMISS
JOINT PROTEST OF BUCKS COUNTY TRANSPORT, INC., BUX-MONT
TRANSPORTATION, INC., EASTON COACH COMPANY, SUBURBAN TRANSIT,
INC. AND TRI COUNTY TRANSIT SERVICE, INC.**

TO THE HONORABLE ADMINISTRATIVE LAW JUDGE DARLENE HEEP:

Pursuant to Section 3.381(c)(1)(C) of the Commission’s regulations, 52 Pa. Code § 3.381(c)(1)(C), Senior Care Centers of Pennsylvania, Inc. (“SCCP” or “Applicant”) files this Motion to Dismiss (“Motion”) 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. (“Joint Protestants”) to SCCP’s Application seeking authority to provide paratransit service between points in the Counties of Bucks, Chester, Delaware, and Montgomery, and the City and County of Philadelphia. Through this Motion, SCCP contends that the specious Joint Protest is nothing more than an attempt by incumbent carriers to prevent a competitor from entering the paratransit market in Southeastern Pennsylvania. As such, the Joint Protest is directly contrary to the Commission’s standards promoting competition in the transportation industry and

easing the entry of common carriers into the market.¹ In connection herewith, SCCP further avers as follows:

I. BACKGROUND AND INTRODUCTION

1. SCCP is a subsidiary of Active Day, Inc. (“Active Day”), which operates 115 adult day health centers across 13 states. Active Day has operated in Pennsylvania for over 20 years and manages care for approximately 725 members each day and approximately 9,000 members in total across its family of centers. SCCP operates 12 adult day health centers in Pennsylvania for elderly persons and individuals with special needs.

2. Many families across the United States depend upon Active Day to coordinate and manage the care needs of their loved ones. Active Day provides door-to-door service in 11 of the states in which it is currently operating, providing approximately 8,000 trips per day with its fleet of approximately 535 vehicles. Due to changes in Pennsylvania’s managed care program and problems that have resulted from relying on third parties to provide transportation for its members, SCCP now seeks to provide this door-to-door service for its members attending five of its facilities located in Bucks, Delaware, Montgomery and Philadelphia Counties.

3. On November 21, 2019, SCCP filed an Application seeking authority to provide paratransit service between points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia. Consistent with the Commission’s regulations,² the Application was accompanied by a Verified Statement. Through the Verified Statement, the Applicant provided a business plan and details about the proposed transportation service, including

¹ Under the normal response times provided by the Commission’s regulations, an Answer is due to this Motion by February 13, 2020. The hearing on SCCP’s application has been scheduled for February 19, 2020. Therefore, SCCP respectfully requests that the Administrative Law Judge shorten the response period to facilitate a ruling prior to that date. In the alternative, SCCP proposes that the ALJ hold the hearing as scheduled so as not to further delay a decision on SCCP’s application and rule on this Motion after the hearing. SCCP is ready to proceed.

² 52 Pa. Code § 3.381(a)(3).

information relating to facilities, drivers, vehicles, vehicle safety program, insurance, criminal background, and financial position.

4. The Application was published in the *Pennsylvania Bulletin* on December 21, 2019 at 49 Pa.B. 7550 with Protests due by January 6, 2020.

5. The Joint Protestants filed a Joint Protest on January 6, 2020.

6. Under Section 3.381(c)(1)(C) of the Commission's regulations, motions to dismiss may be filed within 20 days after the closing date for the filing of protests.³ Therefore, as this Motion is due by January 27, 2020, it is timely filed on this date.

7. The sole purpose of the Joint Protest is for the Joint Protestants to avoid competition. Although the Joint Protest purports to challenge the financial and technical expertise of the Applicant,⁴ it is clear that the Joint Protestants simply desire to preclude the entry of another carrier into the paratransit services market in Southeastern Pennsylvania. Notably, the Joint Protest contains no specific factual averments challenging SCCP's technical or financial fitness. Indeed, the Joint Protest states a willingness by the Joint Protestants to discuss "limitations" on SCCP's operations.⁵ While suggesting that such limitations would avoid adverse impacts on the public, the language in the Joint Protest is very similar to the "adverse impact" language on the operations of existing carriers that they were previously permitted to claim. The Commission is well-equipped to ensure that the public is not adversely impacted by SCCP's paratransit service, especially when no specific challenges to its financial and technical fitness have been raised.

8. To entertain the anti-competitive Joint Protest and require SCCP to bear the expense of litigation, while also unnecessarily delaying SCCP's entry into the paratransit services

³ 52 Pa. Code § 3.381(c)(1)(C).

⁴ Joint Protest, ¶¶ 9-12.

⁵ Joint Protest, ¶ 14.

market in Southeastern Pennsylvania, would be wholly contrary to the Commission's commitment to eliminating artificial entry barriers and encouraging increased competition in the transportation industry.

9. The Joint Protest should be dismissed so that the Application and Verified Statement may be reviewed by the Commission's staff in the Bureau of Technical Utility Services ("TUS") who are highly experienced in evaluating the technical and financial fitness of applicants for paratransit service, so that it can be promptly adjudicated.

II. ARGUMENT

A. Applicable Legal Standards Support Dismissal of Protest.

10. As of June 3, 2017, the Commission's regulations governing transportation applications were revised to eliminate artificial entry barriers.⁶ Under the Commission's modified regulations, the requirement for applicants to establish "public need" for the proposed service was eliminated to "best serve the public."⁷ Noting that increased competition spurred by the transportation network company industry "has enhanced customer choice and service," the Commission emphasized its commitment to increase competition, which it described as being "in the public interest for the transportation industry."⁸

11. Through easing its entry standards, the Commission recognized that over the last fifty years, existing carriers have used the public need requirement to "quash competition to protect market share." The Commission unequivocally stated that it does "not believe it is beneficial to

⁶ *Final Rulemaking Amending 52 Pa. Code Chapters 1, 3, 5, 23 and 29 To Reduce Barriers to Entry for Passenger Motor Carriers*, Docket No. L-2015-2507592 (Final Rulemaking Order entered October 27, 2016, at 18) ("*Order Eliminating Artificial Entry Barriers*"); 52 Pa. Code § 3.381.

⁷ *Id.* at 11.

⁸ *Id.*

exclude qualified new businesses from the market.”⁹ Further, the Commission found that insulating the transportation industry from competition is not in the public interest.¹⁰

12. In eliminating artificial entry barriers that were designed to protect incumbent carriers from competition, the Commission revised Section 3.381(c)(1)(A) of its regulations to limit protests to transportation applications “to challenging the fitness of the applicant, including whether the applicant possesses the technical and financial ability to provide the proposed service and whether the applicant lacks a propensity to operate safely and legally.”¹¹ The Commission stressed that it would “discourage existing carriers from filing specious protests based on fitness.”¹²

13. In an effort to avoid the filing of specious protests based on fitness, the Commission’s regulations were also revised to require the applicant to file its verified statement along with the initial application.¹³ As the Commission stated, this information “would enable existing carriers to make an informed decision regarding whether to protest the application on fitness grounds.”¹⁴ Clearly, the Commission envisioned that existing carriers would make specific factual averments regarding an applicant’s fitness.

B. Joint Protestants Have Made No Specific Allegations Regarding SCCP’s Fitness.

14. The Joint Protestants have raised no specific challenges to SCCP’s fitness or made any factual averments to support further inquiry through an evidentiary hearing. Without any basis for its claim, the Joint Protest baldly avers that SCCP “has not demonstrated the technical and

⁹ *Order Eliminating Artificial Entry Barriers* at 12.

¹⁰ *Id.* at 15.

¹¹ 52 Pa. Code § 3.381(c)(1)(A).

¹² *Order Eliminating Artificial Entry Barriers* at 18 (emphasis added).

¹³ *Order Eliminating Artificial Entry Barriers* at 14; 52 Pa. Code § 3.381(a)(3).

¹⁴ *Order Eliminating Artificial Entry Barriers* at 14 (emphasis added).

financial ability to provide the proposed service in a safe, reliable and legal manner” and that its Application “lacks sufficient information regarding Applicant’s fitness.”¹⁵ The Joint Protest goes on to allege that the Application does not demonstrate that SCCP has sufficient facilities, vehicles, adequate personnel with sufficient technical expertise and experience and financial resources to serve its proposed territory.”¹⁶ The Commission is highly experienced and well-equipped to make these determinations on the basis of the Application and Verified Statement filed by SCCP. A hearing is not necessary and would only be appropriate if the Joint Protestants had raised legitimate claims concerning SCCP’s technical or financial fitness.

15. Notably, the Joint Protestants have pointed to no particular concerns or set forth any factual averments about the safety, reliability or legality of SCCP’s existing operations or its financial condition. Joint Protestants have also failed to identify any potential shortcomings with the information that SCCP has presented in the Verified Statement. While the Joint Protestants have raised questions about that information, it is important to recognize that neither the Commission’s regulations nor the application form devised by the Commission require the level of detail that the Joint Protestants seek.

16. The regulations, in pertinent part, require that the Verified Statement contain the legal name and domicile of the applicant; the identify and qualifications of the person making the statement; whether the applicant is affiliated with another carrier; the authority sought; general scope of any existing authority; pertinent terminal facilities and communications network; pertinent equipment; safety program; type of service offered and financial data.¹⁷ The Joint Protestants have not claimed the omission by SCCP of any of this information. While the

¹⁵ Joint Protest, ¶ 9.

¹⁶ *Id.*

¹⁷ 52 Pa. Code § 3.381(c)(1)(iii)(A)(II).

application form provides additional detail about what an applicant should describe in the verified statement, the Joint Protestants have also pointed to nothing in the form that SCCP failed to describe or furnish. Indeed, all of the information required by the Commission is included in the Verified Statement, enabling TUS to promptly adjudicate the Application.

17. Rather than refer to any alleged deficiencies in the Application as compared to what is required by the regulations or the form, which they cannot do, the Joint Protestants attempt to challenge SCCP's technical fitness by questioning whether the proposed main transportation facility has already been acquired or is yet to be acquired by SCCP.¹⁸ Nothing in the Commission's regulations or application form requires an applicant to indicate whether the proposed main transportation facility has been acquired. If such acquisition is relevant to processing of the Application, TUS may issue data requests, to which SCCP would respond that the facility has already been acquired.

18. The Joint Protestants also suggest that the physical address appears to be a street address for a shopping center in Broomall, Pennsylvania.¹⁹ As they note, the application form calls for an applicant to provide the physical address of the location that will be used for the Commission to dispatch enforcement officers to inspect equipment. In providing this physical address, SCCP accurately and truthfully responded to the question, and the response was verified by Robert Creamer, CEO/Board President. For the Joint Protestants to question the truthfulness of this statement shows the lengths to which they will go to protect their market share of the paratransit industry in Southeastern Pennsylvania.

¹⁸ Joint Protest, ¶ 10.

¹⁹ *Id.*

19. Indeed, the Verified Statement, which was verified by Joseph Caliva, SCCP's Transportation Manager, explained that the hub of SCCP operations at this address is a secure industrial complex, which will be used to stage nine vehicle assets on site and will include several offices for administrative staff. It is further noted in detail that the facility will include a conference/training area, two restrooms, a break room, and several storage closets.²⁰ To allow the Joint Protestants to delay the processing of SCCP's application by baldly alleging that its main transportation facility is a street address for a shopping center would run completely contrary to the Commission's efforts to enhance competition in the transportation industry.

20. In a further challenge to SCCP's technical fitness, the Joint Protestants allege that the Application does not adequately address the expertise and experience of its principals or drivers.²¹ Nothing in the Commission's regulations or application form require applicants to address the expertise and experience of their principals or drivers. Nonetheless, the Verified Statement describes a robust vetting process for drivers²² and refers to SCCP's considerable experience and long history of operating paratransit fleets in other states.²³ To the extent that TUS would find this information insufficient, it may issue data request during the review of SCCP's application.

21. The Joint Protestants also claim that SCCP has not shown the appropriateness of the number of drivers and vehicles SCCP intends to use, and the driver training program.²⁴ The form for the verified statement merely requires applicants to offer a reason for those numbers being sufficient, which SCCP did by describing phase one of its transportation plan and its five adult

²⁰ Verified Statement, ¶ 3.
²¹ Joint Protest, ¶ 11.
²² Verified Statement, ¶ 4.
²³ Verified Statement, ¶ 6.
²⁴ Joint Protest, ¶ 11.

health care facilities to and from which it plans to transport its members. It also explained that it has spare vehicles and will obtain additional vehicles and hire additional drivers as demand grows.²⁵ Given the financial data included with the Verified Statement showing over \$215 million in total assets, SCCP is obviously in a position to take those steps as necessary. To the extent that TUS would find this information insufficient, it may issue data request during the review of SCCP's application.

22. The Joint Protestants further contend that SCCP has not adequately addressed the driver training program.²⁶ The application form only require applicants to describe the driver training program, which SCCP did in great detail. Specifically, SCCP explained that once a candidate has completed and passed all medical and background checks, they begin their driver training, which will usually take between 15 to 25 hours to complete, depending on the candidate and their prior experience. Training modules cover a wide range of topics, including Accident Prevention, Safe Backing, Emergency Evacuations, Operating Safety Equipment, Patient Handling, and other state and company policy mandated subjects. Candidates also go through a minimum of 6-10 hours of Behind-The-Wheel (BTW) training, which also includes ride-alongs with seasoned drivers and practice routes (or "dry runs").²⁷ To the extent that TUS would find this information insufficient, it may issue data request during the review of SCCP's application.

23. The Joint Protestants also take issue with SCCP's reference to the use of daily fixed and assigned routes and argue that paratransit carrier may not provide scheduled route service.²⁸ SCCP is not seeking to provide scheduled route service, and the description of the proposed service

²⁵ Verified Statement, ¶¶ 4-5.

²⁶ Joint Protest, ¶ 11.

²⁷ Verified Statement, ¶ 4.

²⁸ Joint Protest, ¶ 12.

bears no resemblance to the Commission's regulations governing that classification of transportation.²⁹ To the contrary, SCCP is merely describing its internal operations and how it will coordinate the transportation of individuals to five different health care facilities located in Southeastern Pennsylvania.³⁰ To the extent that TUS finds this reference confusing, it could issue a data request for additional explanation by SCCP. Alternatively, the Commission could require SCCP to comply with a condition related to this matter before issuing a certificate of public convenience.³¹

24. Nothing raised by the Joint Protest warrants a hearing. The Joint Protestants have failed to allege any deficiency in SCCP's Application from the standpoint of what is required by the Commission's regulations and the application form devised by the Commission. SCCP's Application and Verified Statement contain all of the information that is required and are sufficient to allow for a prompt view and adjudication by the Commission. No purpose is served by allowing the Joint Protestants to further delay SCCP's provision of paratransit services in Southeastern Pennsylvania.

25. The Commission routinely relies on the applicant's verified statement to make a finding of fitness.³² In the absence of a specific allegation about SCCP's financial and technical fitness, such as a poor track record in another state or sub-par operations of its principals on behalf of another entity, the Joint Protestants should not be permitted to further delay the entry of a competitor into the paratransit services market in Southeastern Pennsylvania.

²⁹ 52 Pa. Code §§ 29.301-305.

³⁰ Verified Statement, ¶ 4.

³¹ See, e.g., *Application of Rasier-PA, LLC, for Right to Transport, by Motor Vehicle, Persons in Experimental Service of Shared-Ride Network*, Docket No. A-2014-2424608 (Order entered December 5, 2014).

³² See, e.g., *Application of Mercy Ambulance & EMS, Inc. t/a Mercy Ambulance, t/a Mercy Fleet, t/a Mercy Group*, Docket No. A-2019-3011344 (Secretarial Letter issued October 22, 2019)..

26. Moreover, the Commission's regulations expressly provide for the filing of a verified statement, including a business plan, along with an application.³³ While that requirement is intended, in part, to expedite the disposition of the application if no protests are filed or all protests are withdrawn,³⁴ the filing of a verified statement with the application also enables potential protestants to identify specific concerns about the applicant's technical or financial fitness.³⁵

27. The filing of the verified statement further gives the Commission an opportunity to dismiss protests that raise no legitimate concerns about an applicant's fitness and adjudicate the application on the basis of the filing, without the need for the time and expense of litigation.³⁶ Clearly, in revising the regulations governing entry, the Commission envisioned the dismissal of specious protests and reliance on verified statements to promptly adjudicate passenger carrier applications.³⁷

C. The Joint Protest Is Anti-Competitive and Should Be Dismissed.

28. A review of the Joint Protest demonstrates that the Joint Protestants simply desire to preclude (or at least delay) the entry of another paratransit service provider in to Southeastern Pennsylvania so as to insulate them from competition. Using language carried over from the days when the Commission required applicants to establish public need for the proposed service, the Protest alleges that approval of the Application "is not necessary or proper for the service...of the public."³⁸ In eliminating the "public need" requirement for passenger transportation applications and limiting protests to challenging financial and technical fitness, the Commission made it clear

³³ 52 Pa. Code § 3.381(a)(3).

³⁴ 52 Pa. Code § 3.381(c)(1)(A)(iii).

³⁵ *Order Eliminating Artificial Entry Barriers* at 14.

³⁶ *Order Eliminating Artificial Entry Barriers* at 18.

³⁷ *Order Eliminating Artificial Entry Barriers* at 18.

³⁸ Joint Protest, ¶ 8.

that it will “discourage existing carriers from filing specious protests based on fitness and...will address all pleadings in accordance with [its] regulations and due process provisions.”³⁹

29. While the Joint Protestants claim to be challenging SCCP’s fitness, they also state that they “are willing to discuss with the Applicant limitations on its operations so as not to adversely impact the public utilizing SCCP’s paratransit service.”⁴⁰ SCCP needing to limit its operations is not consistent with the Commission’s steps to promote competition. Before the Commission amended its regulations so that anti-competition protests were no longer permitted, existing carriers were able to defeat applications by showing that their operations would be adversely impacted.⁴¹ For the Joint Protestants to simply swap out the public for their own operations is not appropriate or consistent with the Commission’s regulations. Indeed, it is the Commission’s responsibility to assure the fitness of common carriers for the benefit of the public, and it does not need the assistance of the Joint Protestants, especially when they have raised no specific issues related to the technical and financial fitness of SCCP.

30. The Joint Protestants have repeatedly used the protest process to delay other competitors from entering the paratransit market in Southeastern Pennsylvania. For example, in *Application of First Student, Inc.*,⁴² this same group of paratransit carriers challenged the application. In that case, the applicant had not provided verified statements containing the information regarding technical and financial fitness. Here, that is not the case so the Joint Protestants had to come up with alleged shortcomings in the information provided by SCCP, which

³⁹ *Order Eliminating Artificial Entry Barriers* at 18.

⁴⁰ Joint Protest, ¶ 13.

⁴¹ See, e.g., *Application of Lyft for Right to Transport, by Motor Vehicle, Persons in Experimental Service of Shared-Ride Network*, Docket No. A-2014-2415047 (Order entered December 18, 2014), at 10.

⁴² *Application of First Student, Inc.*, Docket No. A-2017-2615624 (Prehearing Order No. 4 dated November 21, 2017).

have no merit as described above. The Joint Protestants also delayed the entry of the applicant in *Application of Niazh, Inc. t/a Saiva Medical Transportation*,⁴³ by filing a protest and proposing a limitation on the applicant to avoid adverse impact on their operations. The protest was filed on August 18, 2016. After the Commission granted the applicant emergency temporary authority for a portion of the proposed service,⁴⁴ the Joint Protestants withdrew the protest on December 22, 2016. The matter was reassigned to TUS and the Commission then promptly approved the application.

31. The Joint Protest's bald allegations concerning technical and financial fitness are nothing more than an attempt to delay the processing of SCCP's Application and protect their market share. Allowing the Joint Protestants to further delay a review and disposition of SCCP's Application would be contrary to the public interest by depriving the traveling public of the benefits of competition and access to another transportation option.

32. Given the Commission's commitment to encouraging competition in the transportation industry, it should not condone the filing of specious protests that merely allege a lack of technical and financial fitness without any specific averments or grounds. Rather, the Commission should dismiss the Joint Protest and utilize its own experience and expertise to review the Verified Statement filed by SCCP.

33. The Commission has recognized its continuing obligation to review whether applicants have "the technical expertise and financial wherewithal to provide service" – a

⁴³ *Application of Niazh, Inc. t/a Saiva Medical Transportation*, Docket No. A-2016-2559380 (Secretarial Letter issued on March 24, 2017).

⁴⁴ *Application for Emergency Temporary Authority of Niazh, Inc. t/a Saiva Medical Transportation*, Docket No. A-2016-2559380 (Order entered December 22, 2016).

determination that the Commission makes in every transportation application.⁴⁵ This Application proceeding is no exception.

34. Since Applicant has filed its Verified Statement setting forth its financial and technical fitness, and in view of the lack of any specific averments by the Joint Protestants regarding SCCP's fitness, it is not necessary to hold a hearing that will merely allow the Joint Protestants to delay the entry of SCCP into the market for paratransit service. SCCP notes that its Verified Statement is similar to others where the Commission has granted applications.⁴⁶ To the extent the Commission believes that some aspect of the Application is not sufficiently developed, it is free to impose conditions with which SCCP must comply before a certificate of public convenience is issued.⁴⁷

35. SCCP respectfully submits that its Verified Statement demonstrates that it has the necessary technical and financial fitness to operate paratransit service in its proposed service area and therefore requests that the Commission grant the Application as soon as possible since its proposed operations have already been delayed by the filing of the specious Joint Protest.

III. CONCLUSION

WHEREFORE, based upon the foregoing, Senior Care Centers of Pennsylvania, Inc. respectfully requests that the presiding officer grant this Motion to Dismiss, dismiss the Joint Protest of Bucks County Transport, Inc., Bux-Mont Transportation, Inc., Easton Coach Company,


⁴⁵ *Order Eliminating Artificial Entry Barriers* at 15.

⁴⁶ *See, e.g., Mercy I and Mercy II.*

⁴⁷ *See, e.g., Application of Rasier-PA, LLC, for Right to Transport, by Motor Vehicle, Persons in Experimental Service of Shared-Ride Network*, Docket No. A-2014-2424608 (Order entered December 5, 2014).

Suburban Transit Network, Inc. and Tri County Transit Service, Inc. and refer the Application to the Bureau of Technical Utility Services for a review of the Verified Statement and disposition of the Application.

Respectfully submitted,



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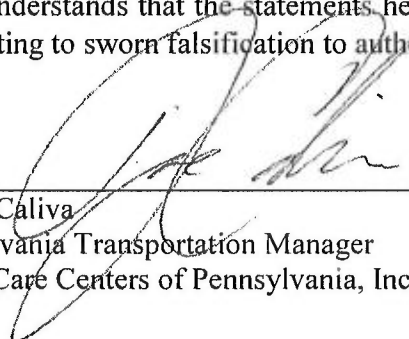
Dated: January 24, 2020

Counsel for Senior Care Centers of
Pennsylvania, Inc.

Verification

The undersigned states that he is authorized to and does make this verification that the facts set forth in the foregoing **Motion to Dismiss** are true and correct to the best of my knowledge, information and belief and that I expect the Authority to be able to prove the same at a hearing held in this matter. The undersigned understands that the statements herein are made subject to the penalties of 18 Pa. C.S. § 4904 (relating to sworn falsification to authorities).

January 24, 2020



Joseph Caliva
Pennsylvania Transportation Manager
Senior Care Centers of Pennsylvania, Inc.