



THOMAS, NIESEN & THOMAS, LLC

Attorneys and Counsellors at Law

THOMAS T. NIESEN
Direct Dial: 717.255.7641
tniesen@tntlawfirm.com

September 23, 2020

Via Electronic Filing

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

Re: Docket No. A-2020-3020294
Application of Delta Excellence Health Care Limited Liability Company

Dear Secretary Chiavetta:

We are counsel for Protestant Rover Community Transportation, Inc. ("Rover") in the above matter and are submitting, via electronic filing with this letter, the Restrictive Amendment of Applicant Delta Excellence Health Care Limited Liability Company, Joint Protestants Bucks County Transport, Inc., Bux-Mont Transportation, Inc., Easton Coach Company, Suburban Transit Network, Inc. and Tri County Transit Service, Inc. and Protestant Rover. A copy of the Restrictive Amendment is being served in accordance with the Certificate of Service attached to it. Please contact me if anything further is required concerning this matter.

Very truly yours,

THOMAS, NIESEN & THOMAS, LLC

By 

Thomas T. Niesen

Enclosure

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

**Before the
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Delta Excellence Health Care, LLC : **Docket No. A-2020-3020294**
:

RESTRICTIVE AMENDMENT

AND NOW, come Applicant Delta Excellence Health Care, LLC (“Applicant”), Protestant Rover Community Transportation, Inc. (“Protestant”) and Joint Protestants Bucks County Transport, Inc., Bux-Mont Transportation, Inc., Easton Coach Company, Suburban Transit Network, Inc. and Tri County Transit Service, Inc. (“Joint Protestants”), by and through their respective attorneys, and file this Restrictive Amendment in the above-captioned matter as follows:

1. The above-captioned Application is hereby amended to clearly identify and specify the territory requested so that the authority sought shall read as follows:

To transport, as a common carrier, persons in paratransit service within Philadelphia City and County.

2. Based upon the Restrictive Amendment set forth in Paragraph 1 above, and conditioned upon its acceptance and approval by the Pennsylvania Public Utility Commission (“Commission”) and any order issued being consistent therewith, Protestant and Joint Protestants agree to withdraw their respective Protests to the Application as amended, subject to the following two conditions and requirements: (i) in the event that any aspect of this Restrictive Amendment and Stipulation is rejected by the Commission for any reason, the Protest and Joint Protest shall be deemed immediately reinstated, this proceeding shall be scheduled for hearing to permit Protestant and Joint Protestants to present evidence in an on-the-record proceeding in opposition to approval of the Application, and neither the Restrictive Amendment, nor the fact that the parties

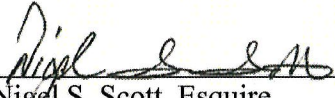
agreed to submit it to the Commission, shall be used against any party in any subsequent hearing or proceeding; and (ii) in the event that any aspect of this Restrictive Amendment and Stipulation is rejected by the Commission for any reason, the Protestant and Joint Protestants shall have the right to request reconsideration before the Commission or to appeal before any and all appropriate courts, or both, and in any such proceedings Applicant shall not raise any objections as to party status or standing of the Protestant and Joint Protestants.

3. The Restrictive Amendment set forth in Paragraph 1 is in the public interest because it will allow the Applicant to provide paratransit service in a manner consistent with its operating objectives, and it will resolve the Protests to the Application while avoiding the time and expense of further litigation.

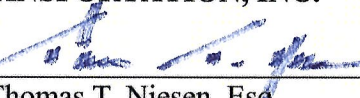
4. Protestant and Joint Protestants desire to remain parties of record so as to receive copies of any orders or other documentation issued by the Commission in the proceeding.

WHEREFORE, the parties, in consideration of the promises mutually set forth above and intending to be legally bound, have executed this Restrictive Amendment as of this 23rd day of September 2020.

DELTA EXCELLENCE HEALTH CARE, LLC

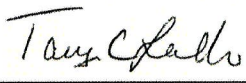
By 
Nigel S. Scott, Esquire
Aegis Law, LLC
1500 Walnut Street
Suite 700
Philadelphia PA 19102
(Attorney for Applicant)

ROVER COMMUNITY TRANSPORTATION, INC.

By 
Thomas T. Niesen, Esq.
THOMAS, NIESEN & THOMAS, LLC
212 Locust Street, Suite 302
Harrisburg, PA 17101

*Attorney for Protestant
Rover Community Transportation, Inc.*

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

By 
Tanya C. Leshko, Esq.
BUCHANAN INGERSOLL & ROONEY
409 North Second Street, Suite 500
Harrisburg, PA 17101

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

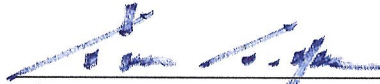
CERTIFICATE OF SERVICE

I hereby certify that I have this 23rd day of September, 2020, served a true and correct copy of the foregoing Restrictive Amendment upon the persons listed below, in accordance with the requirements of 52 Pa. Code § 1.54 (relating to service by a participant):

Via Electronic Mail

Nigel S. Scot, Esquire
Aegis Law, LLC
nsscott@aegis-law.com
Attorney for Applicant

Tanya C. Leshko, Esquire
Buchanan Ingersoll & Rooney PC
tanya.leshko@bipc.com
Attorney for Joint Protestants



Thomas T. Niesen (PA ID # 31379)