

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of BGP, LLC, t/a PA Transportation :
Services for approval to provide paratransit : Docket No. A-2021-3024182
service from points in the Counties of :
Dauphin, Lancaster, Lebanon, and York :
to Points in Pennsylvania, and return :

**PROTEST OF
KEYSTONE TRANSPORTATION, LLC**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Keystone Transportation, LLC (“Keystone”), by and through its undersigned counsel, and pursuant to the provisions of 52 Pa. Code §3.381(c) and 5.51, hereby files this Protest to the application of BGP, LLC, t/a PA Transportation Services for approval to provide paratransit service from points in the Counties of Dauphin, Lancaster, Lebanon, and York to Points in Pennsylvania, and return. Keystone respectfully request that the Commission deny the instant application. In support of this protest and the requested relief, Keystone states as follows:

1. The name and business address of Keystone are:

Keystone Transportation, LLC
2304 Walnut Street
Harrisburg, PA 17103

2. Keystone’s attorney for the purposes of this proceeding is:

Cory A. Leshner, Esquire
The Law Offices of Cory A. Leshner, LLC
415 Market Street
Suite 204
Harrisburg, PA 17101
(717) 909-9999
PA Attorney Id# 310377
cal@coryleshner.com

3. Keystone is a certificated carrier, authorized to provide paratransit service from points in the counties of Dauphin, Cumberland, and York, to points in Pennsylvania, and return. Keystone's authority is found at Docket No. A-6418669
4. On or about January 12, 2021, Applicant filed an application with the Commission seeking an expansion of its Certificate of public convenience so as to permit it to provide paratransit service from points in the Counties of Dauphin, Lancaster, Lebanon, and York to Points in Pennsylvania, and return.
5. Notice of the filing was published in the Pennsylvania Bulletin, Vol. 51, page 1294, on March 6, 2021. According to the Notice, protests to this application are due on or before March 22, 2021. This Protest is filed in response to that Notice.
6. This Commission has recognized that the controlling principle relating to standing in this type of proceeding is whether a protestant has some operating authority in actual or potential conflict with the authority sought by an applicant. *Application of Select Ambulance, Inc.*, No. A-2014-2441095 (Pa PUC Feb. 17, 2015) citing, *Application of Glen Alsace Water Company*, 45 Pa PUC 472 (1971)) As the proposed service territory sought by Applicant includes Dauphin, Cumberland and York Counties, it overlaps that of Keystone. As a current certificate holder in the territory which is the subject of this application, Keystone possesses the requisite standing to file this protest.

7. The information attached to its application lists several vehicles, and states that two (2) of said vehicles will be allocated to Lancaster county. No such vehicle allocation is made for Dauphin, Cumberland, or York County. Furthermore, the Applicant has not attached a projected revenue and expense statement, or any other financial information which would indicate Applicant's financial fitness to provide the proposed service, particularly in such an expansive territory. Applicant has failed to include in its application any description of how it intends to provide service and comply with Commission regulations in Dauphin, Cumberland, and York Counties. In the absence of financial projections and a business plan exhibiting to the Commission how Applicant intends to comply with Commission regulations within the expansive new territory it seeks, it is impossible for the Commission to ascertain whether Applicant possesses the requisite technical and financial fitness to render the proposed service. Accordingly, Keystone believes and therefore avers that Applicant does not possess the necessary technical or financial fitness to provide the proposed service.

8. Approval of the application will be prejudicial to Keystone since it would authorize additional unnecessary, destructive, and harmful competition into the area to the ultimate detriment to the traveling public by permitting operations by an unqualified individual.

9. Keystone will withdraw this Protest if Applicant restricts its application so as to prohibit the transporting of passengers to, from, or between points in Dauphin, Cumberland, and York Counties.

10. Keystone hereby requests that Applicant furnish it with a list of witnesses that are prepared to testify on Applicant's behalf.

WHEREFORE, Keystone Transportation, LLC respectfully requests that this Honorable Commission deny the application of BGP, LLC, t/a PA Transportation Services.

Respectfully submitted:

LAW OFFICES OF CORY A. LESHNER LLC

By: /s/ Cory A. Leshner

Cory A. Leshner, Esquire

ID # 310377

cal@coryleshner.com

Law Offices of Cory A. Leshner, LLC

415 Market Street, Suite 204

Harrisburg, PA 17101

Attorney for Keystone Transportation, LLC

Dated: March 19, 2021

VERIFICATION

I, Maher Saber, Manager of Keystone Transportation, LLC hereby verify that the statements made in the foregoing *Protest* are true and correct to the best of my knowledge, information and belief. I understand that the statements in the foregoing document are made subject to the penalties of 18 Pa.C.S. §4909 relating to unsworn falsification to authorities.

03/19/2021

/s/ Maher Saber

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of BGP, LLC, t/a PA Transportation	:	
Services for approval to provide paratransit	:	Docket No. A-2021-3024182
service from points in the Counties of	:	
Dauphin, Lancaster, Lebanon, and York	:	
to Points in Pennsylvania, and return	:	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Protest of Keystone Transportation, LLC has been duly served upon the persons listed, by electronic mail and by depositing the same in the United States Mail, postage prepaid, in accordance with the provisions of 52 Pa. Code §1.54:

BGP, LLC t/a PA Transportation Services
2210 Melrose Lane
Bethlehem, PA 18015
hiren@patransportationservices.com

LAW OFFICES OF CORY A. LESHNER LLC

By: /s/ Cory A. Leshner

PENNSYLVANIA
PUBLIC UTILITY COMMISSION

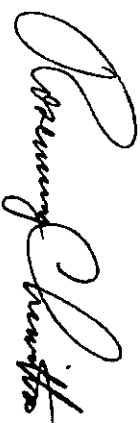
IN THE MATTER OF : A-6418669

Application of Keystone Transportation, LLC, 2304 Walnut St., Harrisburg, Dauphin County, PA 17103. 717-773-5452 To transport, as a common carrier, by motor vehicle, persons, in paratransit service, from points in the counties of Dauphin, Cumberland, and York, to points in Pennsylvania, and return. A-2020-3021044

EFFECTIVE DATE: November 13, 2020

The Pennsylvania Public Utility Commission hereby certifies that after an investigation and/or hearing, it has, by its report and order made and entered, found and determined that the granting of the application is necessary or proper for the service, accommodation, convenience and safety of the public and hereby issues to the applicant this CERTIFICATE OF PUBLIC CONVENIENCE evidencing the Commission's approval to operate.

In Witness Whereof, The PENNSYLVANIA PUBLIC UTILITY COMMISSION has caused these presents to be signed and sealed, and duly attested by its Secretary at its office in the city of Harrisburg this 13th day, of November, 2020.



Secretary