

# Buchanan

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April 26, 2021

**VIA E-FILING**

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

Re: Application of First Horizon Transportation Corporation;  
Docket No. A-2021-3024620

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 First Horizon Transportation Corporation for the right to begin to transport, as a common carrier, by motor vehicle, members of First Horizon Homecare Agency in paratransit service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia to points in Pennsylvania, and return. :  
: Docket No. A-2021-3024620  
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**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:

Tanya C. Leshko (PA I.D. #78787) (Primary Contact)  
John F. Povilaitis (PA I.D. #28944)  
Alan Michael Seltzer (PA I.D. #27890)  
BUCHANAN INGERSOLL & ROONEY PC  
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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 First Horizon Transportation Corporation (“Applicant” or “First Horizon”) 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 Whitemarsh, 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, Chester, Delaware and Montgomery, 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). Absent presentations made on the record, Protestants do not believe that Applicant has made a sufficient or adequate showing that it possesses, or is likely to possess, sufficient technical and financial ability 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. The First Horizon Application is not currently posted on the Commission's docket database; therefore, it is not currently available for review. The Application was incomplete as filed, and the Commission requested additional supporting information via a data request. It does not appear that the information requested was adequately provided. Specifically, the Commission requested clarification of the contractual relationship between the Applicant and First Horizon Homecare Agency, which clarification was not adequately provided.

10. Joint Protestants expressly reserve the right to supplement, clarify, revise, or correct any or all the assertions herein, and to assert additional facts in a supplemental filing once the Application is available for review.

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 Application including the issues raised in this Joint Protest, and that the Application of First Horizon Transportation Corporation be denied.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY, P.C.



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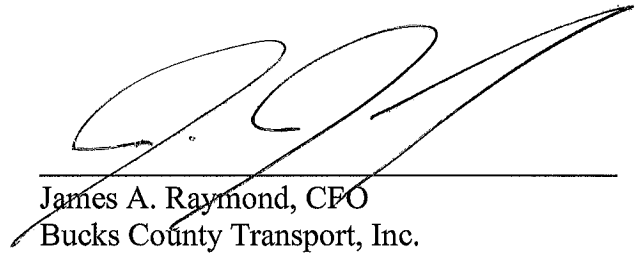
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*Attorneys for Bucks County Transport, Inc., Bux-Mont Transportation, Inc., Easton Coach Company, Suburban Transit Network, Inc. and Tri County Transit Service, Inc.*

Dated: April 26, 2021

## 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: April 26, 2021

## 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: April 26, 2021

## 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.



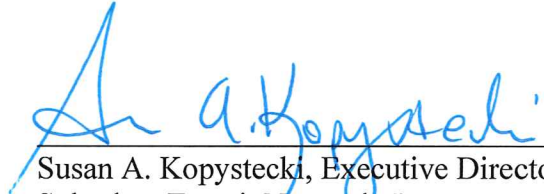
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Mark Glatz, EVP  
Easton Coach Company

DATED: April 26, 2021

## 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.

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

DATED: April 26, 2021

## 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.



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

DATED: April 26, 2021

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of First Horizon Transportation Corporation for the right to begin to transport, as a common carrier, by motor vehicle, members of First Horizon Homecare Agency in paratransit service, from points in the Counties of Bucks, Chester, Delaware and Montgomery, and the City and County of Philadelphia to points in Pennsylvania, and return. :

Docket No. A-2021-3024620

**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 Email and First Class Mail:**

Nicole Johnson  
First Horizon Transportation Corporation  
7325 Risingson Ave.  
Philadelphia, PA 19111

Date: April 26, 2021



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Tanya C. Leshko