

# Buchanan

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July 25, 2022

**VIA E-FILING**

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

Re: Application of Special Delivery Mobility LLC;  
Docket No. A-2022-3033009

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., Tri County Transit Service, Inc., and Rover Community Transportation, 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 Special Delivery Mobility :  
LLC for authority to transport, as a common :  
carrier, by motor vehicle, in nonambulance, : Docket No. A-2022-3033009  
nonemergency and nonmedical paratransit :  
service in a stretcher van, from points in the :  
Counties of Bucks, Chester, Delaware and :  
Montgomery and the City and County of :  
Philadelphia, to points in Pennsylvania, and :  
return. :

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

Bucks County Transport, Inc. (“BCT”), Bux-Mont Transportation, Inc. (“Bux-Mont”), Easton Coach Company (“Easton”), Suburban Transit Network, Inc. (“TransNet”), Tri County Transit Service, Inc. (“Tri County”), and Rover Community Transportation, Inc. (“Rover”) (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

Rover's full name and address is:

Rover Community Transportation, Inc.  
1030 Andrew Drive  
West Chester, PA 19380  
610-431-1500

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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[john.povilaitis@bipc.com](mailto:john.povilaitis@bipc.com)  
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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 Special Delivery Mobility LLC (“Applicant” or “Special Delivery”) 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. Rover holds authority from the PA PUC to transport persons as a common carrier

in paratransit service from points in the County of Chester, to points in Pennsylvania. As a carrier in the paratransit industry operating where the Applicant proposes to offer service, Rover 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. Rover currently holds PA PUC authority and operates under the following authorizations: Docket No. A-6414067; A-2011-2273451.

8. 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**

9. 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). Applicant has not made a sufficient and 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). In addition, Applicant has not made a sufficient and adequate showing that it is likely to operate safely when providing paratransit service.

10. The Applicant has failed to provide a sufficient description of its facilities,

including a description of its physical location and the facility which will be utilized to house the vehicles, as required by the Commission's Application at ¶4 of the "Verified Statement of Applicant."

11. On the issue of technical fitness, the Applicant has failed to describe its plan to maintain records required by the PUC and normal business records, and to provide sufficient information required by the Commission's Application Verified Statement form at ¶5 regarding its hiring standards for drivers, its system for conducting criminal background checks, and policies regarding alcohol and drug use by drivers. Applicant has not provided a sufficient description of employees, including dispatchers, who will be responsible for the conduct of the business that could take place throughout portions of Pennsylvania. The Applicant purports to be prepared to evaluate drivers for their fitness and both train and test prospective drivers, but has offered no support to demonstrate that individuals qualified to provide driver evaluation, training and testing are part of the business. All of these omissions indicate that Applicant lacks the technical fitness to operate as a common carrier providing paratransit service.

12. Applicant claims to have transportation experience, but provides no details to support the statement. Applicant currently possesses one vehicle with no stated plans to purchase additional vehicles. Applicant has not explained as required by the Commission's Application at ¶6 of the "Verified Statement of Applicant" how the vehicle it plans to use in the business is appropriate to provide reasonable and efficient service to the large service territory it proposes to serve. Moreover, Applicant has not clearly stated whether the vehicle it plans to use in the business is, or will be, equipped with the medical or handicap devices appropriate to paratransit service.

13. Applicant cannot demonstrate that it is likely to operate safely when providing service. The Applicant has not demonstrated that it is sufficiently familiar with Pennsylvania

Department of Transportation vehicle equipment inspection standards in order to ensure the Commission that the applicable standards are and will be met at all times when its vehicles are being operated as required by Commission regulations. 52 Pa. Code § 29.402(1). Applicant has provided insufficient information requested in the Commission's "Verified Statement of Applicant" at ¶7 regarding its vehicle safety program or its system for ensuring it vehicles will continuously comply with applicable Pennsylvania vehicle equipment standards, and insufficient information regarding the premises at which vehicles will be stored.

14. The Applicant has also failed to provide sufficient evidence of financial fitness. There is no indication Applicant is prepared to follow generally accepted accounting principles in its record keeping, as required by the Commission. 52 Pa. Code § 29.41(a). There is no indication the business will have sufficient liquidity in the form of a line of credit, sufficient cash or other funding sources available to cover the reasonable and customary costs of operating its proposed service. The adequacy of the identified business assets cannot be evaluated and found sufficient because no business expenses have been estimated. The Applicant has provided no information in the Application indicating it has taken into account normal business expenses, such as the cost of vehicles, vehicle maintenance expense, marking of vehicles or salaries of drivers. Nor has any projection of likely income from the paratransit service business been provided.

15. While the Applicant indicates it has completed insurance applications, there is no insurance policy attached to the Application and there are no insurance details identified in the Application. Applicant has not, therefore, demonstrated it can obtain insurance and pay the required premiums as requested in the Commission's "Verified Statement of Applicant" at ¶8.

16. The Commission's regulations provide that a "common or contract carrier may not permit a person to operate a vehicle in its authorized service when the person was convicted of a

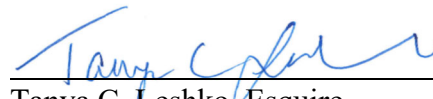
felony or misdemeanor under the laws of the Commonwealth or under the laws of another jurisdiction, to the extent the conviction relates adversely to that person's suitability to provide service safely and legally." 52 Pa. Code § 29.505(a)(3). The Application does not sufficiently address Applicant's ability to comply with the Commission's requirements that certain personnel be free of convictions for felonies or crimes of moral turpitude, and from supervision by a court or correctional institution.

17. The grounds for Protest are not limited to the above but are by way of example. Protestants reserve the right to supplement the basis for this Protest as information is developed.

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 the issues raised in this Joint Protest, and that the Application of Special Delivery Motility LLC be denied.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC



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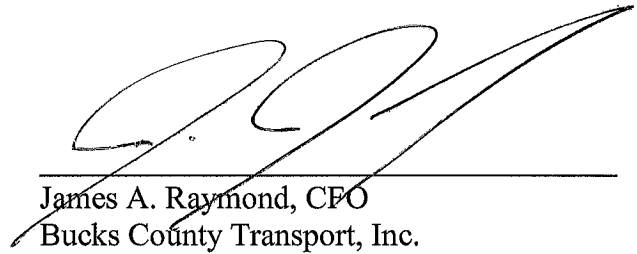
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*Attorneys for Bucks County Transport, Inc., Bux-Mont Transportation, Inc., Easton Coach Company, Suburban Transit Network, Inc., Tri County Transit Service, Inc., and Rover Community Transportation, Inc.*

Dated: July 25, 2022

## 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: July 25, 2022

## 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: July 25, 2022

## 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.



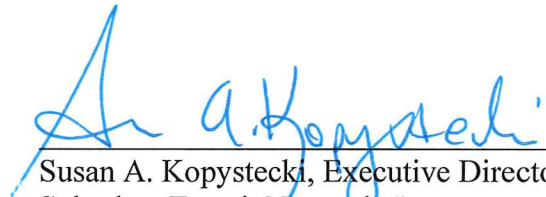
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Mark Glatz, EVP  
Easton Coach Company

DATED: July 25, 2022

## VERIFICATION

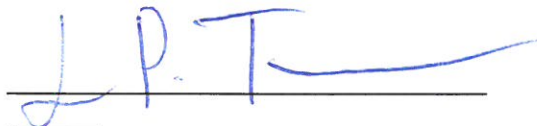
I, Susan A. Kopystecki, certify that I am Executive Director of Suburban Transit Network, Inc., and that in this capacity I am authorized to, and do make this Verification on their behalf, that the facts set forth in the foregoing document are true and correct to the best of my knowledge, information 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.

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

DATED: July 25, 2022

## 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: July 25, 2022

## VERIFICATION

I, Gary Krapf, certify that I am President of Rover Community 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 Rover Community 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.

  
\_\_\_\_\_  
Gary Krapf, President  
Rover Community Transportation, Inc.

DATED: July 25, 2022

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Special Delivery Mobility :  
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Montgomery and the City and County of :  
Philadelphia, to points in Pennsylvania, and :  
return. :

**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:**

Francis Nattle Jr.  
Ryan Deibele  
Special Delivery Mobility LLC  
249 Bridge Street  
Phoenixville, PA 19460  
[frank@specialdeliverymobility.com](mailto:frank@specialdeliverymobility.com)

Date: July 25, 2022

  
\_\_\_\_\_  
Tanya C. Leshko