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October 17, 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 Perseverance Transportation LLC;
Docket No. A-2022-3033987

Dear Secretary Chiavetta:

Enclosed for filing please find the Restrictive Amendment between the Applicant, Perseverance Transportation LLC and Joint Protestants, 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 Perseverance Transportation :
LLC for the right to begin to transport, as :
common carrier, by motor vehicle, persons in : Docket No. A-2022-3033987
paratransit service, between points in the :
Boroughs of Hatboro, Jenkintown, North :
Wales, the Townships of Abington, Upper :
Dublin and Upper Moreland, all located in :
Montgomery County, and the City and :
County of Philadelphia. :

RESTRICTIVE AMENDMENT AND STIPULATION

AND NOW, come Applicant Perseverance Transportation LLC (“Applicant”), and Joint Protestants 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 and Stipulation 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 persons, by motor vehicle, in paratransit service, from points in the City and County of Philadelphia to points in Pennsylvania, and return.

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, 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 Protests shall be deemed immediately reinstated, this proceeding shall be scheduled for hearing to permit 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 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 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.

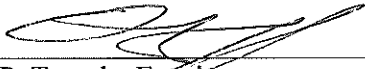
4. Joint Protestants desire to remain a party of record so as to receive copies of any orders or other documentation issued by the Commission in the proceeding.

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 17th day of October, 2022.

**PERSEVERANCE TRANSPORTATION
LLC**

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

By



David P. Temple, Esquire
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Philadelphia, PA 19103

*Counsel for Perseverance Transportation
LLC*

By

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

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 17th day of October, 2022.

**PERSEVERANCE TRANSPORTATION
LLC**

**BUX-MONT TRANSPORTATION, INC.,
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TRI COUNTY TRANSIT SERVICE, INC.**

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*Counsel for Perseverance Transportation
LLC*

By  _____

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

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Dublin and Upper Moreland, all located in :
Montgomery County, and the City and :
County of Philadelphia. :

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:

Hon. Marta Guhl
Administrative Law Judge
Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
801 Market Street, 4th Floor, Suite 4063
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mguhl@pa.gov
sdelvillar@pa.gov

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Counsel for Perseverance Transportation LLC

Date: October 17, 2022



Tanya C. Leshko