



COMMONWEALTH OF PENNSYLVANIA

PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120
<http://www.puc.pa.gov>

July 19, 2023

Docket No. A-2023-3038880

**TBM AMBULANCE SERVICES CORP
225 WILMINGTON WEST CHESTER PIKE
CHADDS FORD PA 19317**

RE: Application of TBM Ambulance Services Corp., 225 Wilmington West Chester Pike, Chadds Ford, Delaware County, PA 19317. 609-972-1492

To Whom It May Concern:

On March 8, 2023, the applicant of TBM AMBULANCE SERVICES CORP, was accepted by the Commission; however, multiple issues must be prior to approving the application. Please review page two of this correspondence for additional information and respond appropriately.

Please forward the information to the Secretary of the Commission **within ten (10) working days** from the date of this letter. **Currently, the only acceptable means of filing your response is through the Commission's e-file system. Information is available at the following link to efile: <https://www.puc.state.pa.us/efiling/default>**

Your answers should be verified per 52 Pa Code § 1.36. Accordingly, you must provide the following statement with your responses:

I, _____, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

The blank should be filled in with the name of the appropriate company representative, and the signature of that representative should follow the statement.

Please submit your response to the address cited in this letter's header. Faxes, emails, and other forms of filing are unacceptable.

Sincerely,

Rosemary Chiavetta, Secretary

Enclosure

cc: Josh Kwiatkowski

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TBM AMBULANCE SERVICES CORP
Data Request

1. Your response to Questions 1 of the applicant's verified statements is insufficient. Please provide a title and appropriate contact information for the person making the statement on behalf of the applicant on the original verified statements of the applicant: **DAN ASEWE**. Mr. Mbori is not the person who submitted the original verified statement information; Mr. Asewe is according to the initial response to Question 1 and he is not referenced elsewhere in the submitted filings. His position and qualifications are unknown to the Commission, which is why clarification is being requested.

Response:

“Identify the person making the Verified Statement on behalf of the applicant. If an employee/officer of applicant is making the statement, give name, title, business address and telephone number.”

Kawana M. House, HR Director/Business Relations Manager , 871 Baltimore Pike, Suite 16, Glen Mills, PA 19342, 302-743-6999 or 484-937-1480. Mr. Asewe has transitioned to another role since the initial filing of this application.

2. As presently submitted, the response to question 5 of the verified statements does not indicate essential hiring and employment requisites. You are expected to provide a PLAN that satisfies the requirements of 52 Pa Code. You are hereby directed to fully review the following chapters of 52 Pa Code and to provide a summarization of your revised and compliant plan for drivers.

- **§ 29.505. Criminal history – Schedule not provided. Stating a third party will conduct checks is insufficient unless you can demonstrate that the schedule for conducting such checks is compliant with Commission requirements.**

PLEASE NOTE: Compliant policies have been requested multiple times for this application. The specific citations have been **provided to you** so that you can craft policies for hiring, license checks, and backgrounds checks, which satisfy the Commission's requirements.

READ THE REFERENCED STATUTES (which are easily researchable via the internet or at your local library) and submit a compliant policy.

Response: We have reached out since the initial filing of this application to our assigned Compliance Manager, Josh Kwiatkowski to which we never received a response via call or email, to receive guidance. Our initial application was approved, and the first notice that our application responses were insufficient took place two days ago (July 17, 2023).

Thank you for reviewing these additional responses. It is our hope that we can move towards final approval.

FAILURE TO PROVIDE A COMPLIANT PLAN WILL RESULT IN THE DENIAL OF YOUR APPLICATION.

§ 29.505. Criminal history – Schedule not provided. Stating a third party will conduct checks is insufficient unless you can demonstrate that the schedule for conducting such checks is compliant with Commission requirements.

Response:

In compliance with 52 PA Code § 29.505. **Criminal history**- TBM Ambulance Services will not permit a person to operate a vehicle in its authorized service until we have obtained and reviewed a criminal history record from the Pennsylvania State Police and every other state in which the person resided for the last 12 months. For current drivers, carriers TBM shall obtain a criminal history record by November 9, 2006.

Following receipt of the initial criminal history record, TBM Ambulance Services will obtain and review a criminal history record for each driver operating under its authority from the Pennsylvania State Police every 2 years from the date of the last criminal history check.

TBM Ambulance Services will not permit a person to operate a vehicle in its authorized service when the person was convicted of a felony or a 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.

TBM Ambulance Services shall retain a copy of the criminal history for at least 3 years in the employee's personnel file.

Prior to employment with TBM Ambulance Services, TBM shall have a third party conduct a local and National criminal background check for each driver applicant. The background check includes a multistate or multijurisdictional criminal records locator or other similar commercial Nationwide database with primary source search validation and a review of the United States Department of Justice National sex offender public web site. TBM will not employ an applicant convicted of certain crimes in accordance with the following:

An applicant convicted of any of the following within the preceding 7 years:

- Driving under the influence of drugs or alcohol.
- A felony conviction involving theft.
- A felony conviction for fraud.
- A felony conviction for a violation of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. § § 780-101—780-144).

An applicant convicted of any of the following within the preceding 10 years:

- Use of a motor vehicle to commit a felony.
- Burglary or robbery.

An applicant convicted of any of the following at any time:

- A sexual offense under 42 Pa.C.S. § 9799.14(c) or (d) (relating to sexual offenses and tier system) or similar offense under the laws of another jurisdiction or under a former law of the Commonwealth.

- A crime of violence as defined in 18 Pa.C.S. § 5702 (relating to definitions).
- An act of terror.

One year after engaging a driver and every second year thereafter, the criminal background and driving history checks required under 52 PA Code § 29.505 shall be conducted and that a driver continues to be eligible to be a driver shall be verified.

A copy of the criminal history shall be maintained by TBM Ambulance Services for each driver for at least 3 years.

I, Kawana M. House, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief, and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

Kawana M. House