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August 21, 2023

VIA E-FILING

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

Re: Application of Heartland Medical Transportation, Inc.;
Docket No. A-2023-3041628

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/kas
Enclosure
cc: Certificate of Service

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Heartland Medical :
Transportation, Inc. to transport, as a :
common carrier, by motor vehicle, :
persons in paratransit service, from points : Docket No. A-2023-3041628
in the Counties of Bucks, Chester and :
Montgomery, to points in Pennsylvania, :
and return. :

**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)
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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 Heartland Medical Transportation, Inc. (“Applicant” or “Heartland Medical”) 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-0011883/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 in a large portion of southeastern Pennsylvania by proposing to transport persons in paratransit service within and between points in Bucks, Chester and Montgomery Counties. 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). Heartland Medical 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, Heartland Medical has not made a sufficient and adequate showing that it is likely to operate safely when providing paratransit service.

9. On the issue of technical fitness, the Applicant has made no showing that any of its principals or drivers possesses any prior managerial or operating experience in the transportation business. Applicant claims to have paratransit experience but provides no details. Heartland Medical currently possesses one vehicle and has not substantiated that if and when any additional vehicles are obtained, they will be equipped with the medical or handicap devices appropriate to paratransit service. Heartland Medical has not identified any employees, including dispatchers, who will be responsible for the conduct of the business that could take place throughout a substantial portion of Pennsylvania. The Applicant purports to have policies in place to evaluate drivers for their fitness and to train and test prospective drivers but has offered no support that individuals qualified to provide such evaluation, training and testing are part of the business.

10. The Applicant indicates it will commence business with one driver and one vehicle, both of which are inadequate for the large service territory requested.

11. The Applicant has also failed to provide sufficient evidence of financial fitness. There is no indication Heartland Medical is prepared to follow generally accepted accounting principles in its record keeping, as required by the Commission. 52 Pa. Code § 29.41(a). The only financial showing made by the Applicant is a starting amount of cash and the value of one vehicle. There is no indication the business will have a line of credit or other funding sources available to cover the reasonable and customary costs of operating its proposed service. Nor has Heartland Medical identified its tangible assets, current or long-term liabilities, all of which are essential to evaluating its overall financial fitness. The adequacy of the identified business assets cannot be evaluated and found sufficient because no expenses have been estimated. While the Applicant claims to have insurance (Application Verified Statement ¶ 8), no details have been provided in the Application. 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 been provided.

12. 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). Therefore, Heartland Medical has not demonstrated that it will have a propensity to operate safely if authorized by the Commission to commence its proposed service.

13. 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 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 Heartland Medical Transportation, Inc. be denied.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC



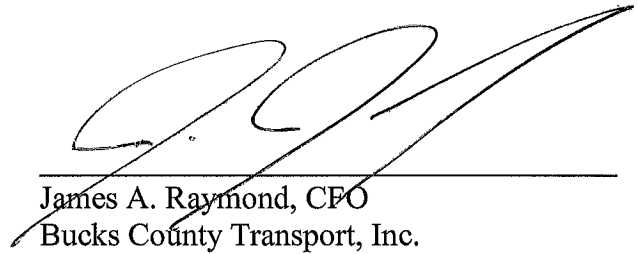
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alan.seltzer@bipc.com

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

Dated: August 21, 2023

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 31, 2023

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 31, 2023

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.

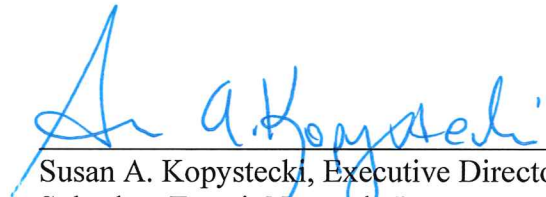


Mark Glatz, EVP
Easton Coach Company

DATED: July 31, 2023

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 31, 2023

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 31, 2023

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Heartland Medical :
Transportation, Inc. to transport, as a :
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persons in paratransit service, from points : Docket No. A-2023-3041628
in the Counties of Bucks, Chester and :
Montgomery, 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:

Jill E. Durkin, Esq.
Durkin Law, LLC
401 Marshbrook Road
Factoryville, PA 18419
jdurkin@jilldurkinlaw.com

Date: August 21, 2023



Tanya C. Leshko