

# Buchanan

**Tanya C. Leshko**  
717 237 4868  
tanya.leshko@bipc.com

409 North Second Street  
Suite 500  
Harrisburg, PA 17101-1357  
T 717 237 4800  
F 717 233 0852

July 22, 2024

## VIA E-FILING

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

Re: Application of His Loving Hand Home Care LLC  
Docket No: A-2024-3045516

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Joint Protest of Bucks County Transport, Inc., Bux-Mont Transportation., 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.

Respectfully submitted,



Tanya C. Leshko

TCL/ja

Enclosure  
cc: Certificate of Service

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of His Loving Hand Home Care :  
LLC for the right to begin to transport, as a :  
common carrier, by motor vehicle, persons in :  
paratransit service, between points in the :  
Counties of Bucks, Chester, Delaware, and : Docket No. A-2024-3045516  
Montgomery, and the City and County of :  
Philadelphia. :

**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  
409 North Second Street, Suite 500  
Harrisburg, PA 17101-1357  
717-237-4800  
[tanya.leshko@bipc.com](mailto:tanya.leshko@bipc.com)  
[john.povilaitis@bipc.com](mailto:john.povilaitis@bipc.com)  
[alan.seltzer@bipc.com](mailto:alan.seltzer@bipc.com)

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 His Loving Hand Home Care LLC (“Applicant” or “His Loving Hand”) 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). 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 common carrier 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. His Loving Hand currently possesses one vehicle and has not substantiated if the vehicle is equipped with the medical or handicap devices appropriate to paratransit service. His Loving Hand 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 vehicle, which is inadequate for the large service territory requested.

11. In addition, the Applicant has failed to present evidence demonstrating that

paratransit services may be provided safely, as the single vehicle proposed to be used by Applicant is sixteen (16) years old, which exceeds the Commission's ten-year age limit for call or demand service pursuant to 52 Pa. Code § 29.314(c). Although that regulation applies to call or demand service and not specifically to paratransit service, it is a logical guideline for safety. Further, the Application does not specifically indicate how the vehicle is equipped for the safe access and transport of persons in both wheelchairs and stretchers appropriate to paratransit service.

12. Applicant has failed to provide a sufficient description of its facilities, including a description of its physical location, the office machines that will be utilized for the business and the facility to house the vehicles, as required by the Commission's Application at ¶4 of the "Verified Statement of Applicant". In addition, Applicant has failed to adequately describe its record maintenance plan, including an explanation of its plan to maintain records required by the Commission at 52 Pa. Code § 29.111, as well as normal business records, as required by Application at ¶4 of the "Verified Statement of Applicant".

13. The Applicant has not demonstrated that it is sufficiently familiar with Pennsylvania Department of Transportation vehicle equipment inspection standards such that the Commission may be assured 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 ¶6 regarding its vehicle safety program or its system for ensuring its vehicles will continuously comply with applicable Pennsylvania vehicle equipment standards found at 67 Pa. Code Ch. 175.

14. The Applicant indicates it has insurance, but 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.

15. The Applicant has also failed to provide sufficient evidence of financial fitness. The Applicant has not provided adequate details in connection to its financial position. 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). The Applicant has not provided a complete financial statement. 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 business assets cannot be evaluated and found sufficient because no business assets have been identified.

16. 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 His Loving Hand Home Care LLC be denied.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC



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Tanya C. Leshko, Esquire  
John F. Povilaitis, Esquire  
Alan M. Seltzer, Esquire  
409 N. Second Street, Suite 500  
Harrisburg, PA 17101-1357  
717 237-4800  
[tanya.leshko@bipc.com](mailto:tanya.leshko@bipc.com)  
[john.povilaitis@bipc.com](mailto:john.povilaitis@bipc.com)  
[alan.seltzer@bipc.com](mailto: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: July 22, 2024

## 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.



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James A. Raymond, CFO  
Bucks County Transport, Inc.

DATED: July 22, 2024

## 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 22, 2024

## 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.



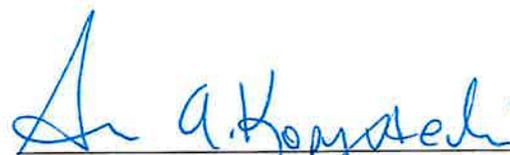
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Mark Glatz, EVP  
Easton Coach Company

DATED: July 22, 2024

## 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.

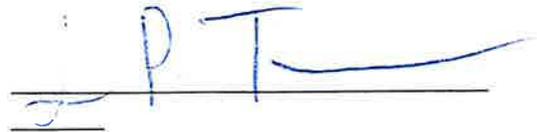


Susan A. Kopystecki, Executive Director  
Suburban Transit Network, Inc.

DATED: July 22, 2024

## 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 22, 2024

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of His Loving Hand Home Care :  
LLC for the right to begin to transport, as a :  
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paratransit service, between points in the :  
Counties of Bucks, Chester, Delaware, and : Docket No. A-2024-3045516  
Montgomery, 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 and Regular Mail:**

Timothy Hunter  
610 Old York Road  
Suite 400  
Jenkintown, PA 1946  
[Timhunter@lovinghandhomecare.com](mailto:Timhunter@lovinghandhomecare.com)

Date: July 22, 2024



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Tanya C. Leshko