

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Vida Quard Transportation Inc. :  
for approval to provide paratransit service in the :  
Counties of Bucks, Montgomery and : A-2023-3043315  
Philadelphia for the purpose of transporting people :  
in ambulatory vehicles and non-emergency vehicles :  
for PA Managed Care Organizations. :

**ORDER REASSIGNING APPLICATION**

On September 18, 2023, Vida Quard Transportation Inc. (Applicant) filed an Application with the Pennsylvania Public Utility Commission (Commission) for approval to provide paratransit service in the Counties of Bucks, Montgomery and Philadelphia for the purpose of transporting people in ambulatory vehicles and non-emergency vehicles for PA Managed Care Organizations. The Commission caused notice of this Application to be published in the March 16, 2024, *Pennsylvania Bulletin* at 54 Pa.B. 1461, specifying a deadline of April 1, 2024, for filing protests.

On April 1, 2024, Bucks County Transport, Inc., Bux-Mont Transportation, Inc., Easton Coach Company, Suburban Transit Network, Inc., and Tri County Transit Service, Inc. (Joint Protestants) filed a Joint Protest to the Application.

By Initial Call-In Telephonic Hearing Notice dated April 5, 2024, the Commission scheduled a telephonic hearing on this matter for June 11, 2024, at 10:00 a.m., and assigned the case to me.

A Prehearing Order was issued on May 14, 2024, advising the parties of the date and time of the scheduled hearing, informing them of the procedures applicable to the proceeding, and directing the submission of documents prior to the hearing.

On May 6, 2024, Tanya C. Leshko, Esq., Counsel for Joint Protestants, filed a Restrictive Amendment on behalf of the Applicant and the Joint Protestants, in which the Joint Protestants agreed to withdraw their Protest to the Application based upon the Restrictive Amendment and its acceptance and approval by the Commission. The Application was amended as follows:

**To begin operating as a common carrier for transportation of persons in paratransit service, limited to service for Pennsylvania Managed Care Organizations, among and between points in the City and County of Philadelphia; and originating in the City and County of Philadelphia to points in the Counties of Bucks and Montgomery and return.**

Restrictive Amendment ¶ 1. Based upon this Restrictive Amendment, and conditioned upon its acceptance by the Commission, the Joint Protestants agree to withdraw their Protest 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 Protest 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 to proceeding 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 Protestant 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 as to party status or standing of the Protestants. See Restrictive Amendment ¶ 2. Joint Protestants desire to remain parties of record so as to receive copies of any order issued by the Commission in this proceeding. *Id.* at ¶ 4.

By email dated May 17, 2024, I informed the parties that the hearing scheduled in this matter was cancelled.

The Commission's Rules of Practice and Procedure at 52 Pa. Code § 5.235 provide that parties to an application for passenger authority may stipulate as to modifications to proposed motor carrier rights. The stipulation, in the form of a restrictive amendment, must be in writing, explain why the stipulation is in the public interest, be signed by each party to the stipulation and be submitted to the Commission's Secretary for insertion into the document folder. The restrictive amendment is binding on the parties that sign it. While the restrictive amendment is binding on the parties, it is not binding on the Commission if it determines that the restrictive amendment is contrary to the public interest.

In order to find that a restrictive amendment is in the public interest, the Commission must find that adopting the restrictive amendment would serve to protect a legitimate public purpose. The public need for the proposed service is the relevant factor in determining the public interest, while protection of private economic interests and competitive positions is not. *Crown America Corp. v. Pa. Pub. Util. Comm'n*, 463 A.2d 1257 (Pa. Cmwlth. 1983); *Glenside Suburban Radio Cab, Inc. v. Pa. Pub. Util. Comm'n*, 411 A.2d 874 (Pa. Cmwlth. 1980); *Highway Express Lines, Inc. v. Pa. Pub. Util. Comm'n*, 169 A.2d 798 (Pa. Super. 1961).

The Commission has rejected restrictive amendments where the amendment proposed to limit the type, make or color of vehicle used to provide service as contrary to the public interest. *Application of Sean McDonough t/d/b/a Northstar Executive Transportation*, Docket No. A-00118757 (Order entered December 4, 2002); *Application of Yvonne Victoria Kulp t/d/b/a YV Kulp Transportation*, Docket No. A-00119913 (Order entered April 8, 2004); *Application of Gene Leman t/a Bangor Cab*, Docket Nos. A-6410442 and A-2008-2061044 (Order entered September 4, 2009). In these cases, the Commission rejected the restrictive amendments because they would limit the nature and quality of the equipment to be used by the applicant to provide the service, would unduly and unreasonably fragment the operating authority of the applicant and would create enforcement difficulties for the Commission by establishing operating rights that are unrelated to the Commission's statutory and regulatory responsibilities. The Restrictive Amendment submitted by the Applicant and the Joint Protestants does not limit the type, make or color of vehicle used to provide service. In addition, the Restrictive Amendment does not unduly and unreasonably

fragment the operating authority of the Applicant, nor does it establish operating rights that are unrelated to the Commission's statutory and regulatory responsibilities.

The Commission's regulation at 52 Pa. Code § 3.381(c)(1)(iii) provides that if all protests to an application for passenger authority are withdrawn at or prior to the hearing, the Commission may consider the application without holding an oral hearing, based on verified statements filed by the applicant. Since no protests other than that filed by the Joint Protestants were filed to Vida Quard Transportation Inc.'s Application, this matter shall be referred to the Commission's Bureau of Technical Utility Services for further review under the procedure set forth at 52 Pa. Code § 3.381(c)(1)(iii).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Application of Vida Quard Transportation, Inc., Docket No. A-2023-3043315, is reassigned from the Pennsylvania Public Utility Commission's Office of Administrative Law Judge to the Pennsylvania Public Utility Commission's Bureau of Technical Utility Services for review pursuant to 52 Pa. Code §3.381(c)(1)(iii).

Date: August 23, 2024

\_\_\_\_\_/s/  
Eranda Vero  
Administrative Law Judge

**A-2023-3043315 - APPLICATION OF VIDA QUARD TRANSPORTATION INC. FOR THE RIGHT TO BEGIN TO TRANSPORT, AS A COMMON CARRIER, BY MOTOR VEHICLE, PERSONS IN PARATRANSIT SERVICE FOR PENNSYLVANIA MANAGED CARE ORGANIZATIONS, BETWEEN POINTS IN THE COUNTIES OF BUCKS AND MONTGOMERY, AND THE CITY AND COUNTY OF PHILADELPHIA.**

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