

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of LHC Transport Services, LLC :
for the right to begin to transport, as a common :
carrier, by motor vehicle, persons in paratransit :
service, limited to individuals who are physically :
or intellectually disabled, from points in Counties : A-2024-3050601
of Bucks and Montgomery, and the city and :
County of Philadelphia, to points in Pennsylvania, :
and return.

PREHEARING ORDER FOR TELEPHONE HEARING

AND NOW, this 28th day of October 2024, it is hereby ORDERED:

1. DATE AND TIME OF HEARING. An initial telephonic hearing will be held in this case on:

Thursday, December 12, 2024, beginning at 10:00 AM

To participate in the hearing, you must dial the toll-free number listed below. You will be prompted to enter a PIN number, which is also listed below. You will be asked to speak your name, press the # key, and then the telephone system will connect you to the hearing. If you have any witnesses you want to have present during the hearing who are participating from a separate phone, you must provide them with the telephone number and PIN Number.

**Toll-free Bridge Number: 1.866.566.0826
PIN Number: 76982683**

2. FAILURE TO APPEAR. You must attend the hearing and present evidence on the issues raised in the pleadings. Your case will be dismissed if you fail to take part in the hearing and present evidence on the issues raised.

3. CONTINUANCES. You may request a continuance of the hearing if you have a good reason. Continuances will be granted only for good cause. To request a continuance, you must submit a written request (a “motion”) at least five (5) days before the hearing. Your motion should be served pursuant to paragraph 5B below. Your motion should include:

- (1) The case name, case number, and hearing date;
- (2) The reason you are requesting a continuance; and
- (3) State whether the other party(s) agrees to the request (or if you do not know). If you do not know whether the other party(ies) agrees to the request, state that you do not know.

4. PRESENTING EXHIBITS. If you intend to present any documents or exhibits at the hearing, you must email one (1) copy to me at cojohnson@pa.gov and one (1) copy each must be sent to every other party pursuant to paragraph 5B below. All copies must be received at least five (5) business days before the hearing. Proposed exhibits should be properly pre-marked for identification purposes. Do not file your proposed documents or exhibits with the Secretary’s Bureau. However, you should file a Certificate of Service with the Secretary’s Bureau indicating you sent the proposed documents or exhibits to every other party. **Proposed exhibits that contain confidential information such as utility account numbers should be submitted in both redacted and unredacted (confidential) formats.**

Note that attachments to your Application or Protest are not admitted into the record unless submitted separately. Please be sure to have all pre-served exhibits with you at the time of the hearing. This hearing may be your only opportunity to present evidence in support of your case.

5. FILING AND SERVING DOCUMENTS. When you file a document, you must provide the original to the Public Utility Commission (PUC) and serve a copy to the other party or parties. Instructions on how to file with the PUC and serve other parties are provided below.

A. FILING DOCUMENTS

(1) **E-FILING.** To file with the PUC, the PUC offers a free e-Filing Subscription Service. This service allows a user to file documents electronically and receive an automatic email notification whenever a document is added, removed, or changed on the PUC website in a specific case. For information and to subscribe to this service, visit the PUC's website at: <https://www.puc.pa.gov/filing-sources/efiling/>

(2) **PAPER FILING.** If you do not have the capability to open and use an e-Filing account, you may file paper documents with the Secretary of the Commission. Filing of paper documents may be hand delivered or sent to:

Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

(3) **CONFIDENTIAL MATERIAL.** If a filing contains confidential or proprietary material, the filing should be submitted by overnight delivery to ensure arrival. Large filings containing confidential or proprietary material may also be submitted through the Commission's Share Point File system. These filings should be followed by a hard copy with a flash drive or CD for the Commission's file. Filers should contact the Secretary's Bureau in advance to set up a Share Point File before submitting the filing.

B. SERVING DOCUMENTS

(1) **SERVING OTHER PARTIES.** When you file documents with the PUC, you must also serve a copy to the other party or parties. You may serve a copy by U.S. First-Class Mail or by hand. You may also serve a copy by eService or email, if the other party has agreed to electronic service. For your convenience, a copy of the PUC's current service list of all parties to this proceeding is enclosed with this Order.

(2) **SERVING THE PRESIDING OFFICER.** Be sure that you serve me directly with a copy of any document that you file in this proceeding at the time of its filing. You must email one (1) copy to me, at cojohnson@pa.gov. **If you do not have access to email, you must serve me by mail, addressed to:**

Administrative Law Judge Conrad A. Johnson
PA Public Utility Commission
301 Fifth Avenue, Suite 220
Pittsburgh, PA 15222

(3) EXCHANGE OF DOCUMENTS. To facilitate the conduct of the hearing, at least five (5) business days before the hearing date, counsel for Applicant and for Protestant(s) are directed to confer in person or by telephone and to exchange in writing the names, addresses, and telephone numbers of all witnesses they intend to have testify. In the course of conferring, counsel also shall informally request copies of any documents deemed that may be introduced at the hearing so that any such documents may be reviewed prior to, rather than during, the hearing.

6. SUBPOENAS. If you need to subpoena witnesses for the hearing, you should review 52 Pa. Code §5.421. You should submit your written application for subpoenas sufficiently in advance of the hearing so that the other parties will have the requisite ten days' notice to answer your application, and so that you will have enough time to receive the subpoenas and serve them.

7. DISCOVERY. Any party may conduct discovery to learn the factual basis of another party's position in this case. However, 52 Pa. Code §5.331(b) provides, in relevant part, that "[a] party shall initiate discovery as early in the proceedings as reasonably possible." Additionally, 52 Pa. Code §5.322 provides, in relevant part, that "parties are encouraged to exchange information on an informal basis." All parties are urged to cooperate in informal information exchanges and in conducting discovery. Cooperation is preferable to disagreements, which require my participation to resolve. There are limitations on discovery (52 Pa. Code §5.361) and sanctions for abuse of the discovery process (52 Pa. Code §§5.371 & 5.372).

8. REPRESENTATION. If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed

to practice law in Pennsylvania, or admitted *pro hac vice*.¹ And, unless you are an attorney, you may not represent someone else.

9. BURDEN OF PROOF. The Applicant (the one filing the Application) as the proponent of the rule or order bears the burden of proof.² The Applicant as the party seeking motor common carrier authority has the burden of demonstrating that it possesses the technical and financial ability to provide the proposed service and has the propensity to operate safely and legally.³

Protestant(s) should be prepared to begin presentation of their direct case immediately upon the conclusion of the presentation of the Applicant's direct case.

10. CONTACT INFORMATION. If your e-mail address or telephone number changes during the course of the proceeding, you must immediately update OALJ by calling **412-565-3550**.

11. ACCOMMODATION. Any party who needs accommodation for a disability in order to participate in this hearing process may request one. Please call the PUC scheduling office at least five (5) business days prior to your hearing to submit your request.

If you require an interpreter to participate in the hearing, we will have an interpreter present. Please call the scheduling office at the PUC at least ten (10) business days prior to your hearing to submit your request.

Scheduling Office: (717) 787-1399
Persons who are deaf or hearing-impaired may call relay operator at 711

¹ 52 Pa. Code §§ 1.21 & 1.22.

² 66 Pa.C.S. §332(a).

³ For fitness standards, *see*, 52 Pa. Code § 41.14.

12. SETTLEMENT. The PUC's policy is to encourage settlements.⁴ The Applicant and Protestants at least one week before the scheduled hearing should discuss a possible settlement of this case. Even if you are unable to settle this case, you may still resolve many questions or issues during your talks. If an agreement is reached on all the issues, a formal hearing will not be necessary and the scheduled hearing will be cancelled.

13. HEARING PROCEDURES. Although the hearing is being conducted telephonically for the convenience of the parties, it is still a formal hearing and will be conducted in accordance with the PUC's Rules of Practice and Procedure at 52 Pa Code Chapters 1, 3, and 5.

Please be sure to participate from a location, and use a phone, where background noise will be minimized, and the reception is clear.

Date: October 28, 2024


Conrad A. Johnson
Administrative Law Judge

⁴ 52 Pa. Code § 5.231(a).

A-2024-3050601 - APPLICATION OF LHC TRANSPORT SERVICES LLC FOR THE RIGHT TO BEGIN TO TRANSPORT, AS A COMMON CARRIER, BY MOTOR VEHICLE, PERSONS IN PARATRANSIT SERVICE, LIMITED TO INDIVIDUALS WHO ARE PHYSICALLY OR INTELLECTUALLY DISABLED, FROM POINTS IN THE COUNTIES OF BUCKS AND MONTGOMERY, AND THE CITY AND COUNTY OF PHILADELPHIA, TO POINTS IN PENNSYLVANIA, AND RETURN.

ELLIOTT WILLIAMS
LHC TRANSPORT SERVICES LLC
239 4TH AVE SUITE 1401
PITTSBURGH PA 15222
267.357.0299
legitimatehomecare@gmail.com
Served via email and USPS First-Class Mail

TANYA C LESHKO ESQUIRE
JOHN F POVILAITIS ESQUIRE
ALAN MICHAEL SELTZER ESQUIRE
BUCHANAN INGERSOLL AND ROONEY PC
409 NORTH SECOND STREET
SUITE 500
HARRISBURG PA 17101
717.237.4800
717.237.4825
610.372.4761
tanya.leshko@bipc.com
john.povilaitis@bipc.com
alan.seltzer@bipc.com

Accepts eService

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