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December 9, 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 GPS Transportation, Inc. t/a GPS Transportation God's People
Servicing
Docket No: A-2024-3051677

Dear Secretary Chiavetta:

Enclosed for electronic filing please find the Joint Protest of Bucks County
Transport, Inc. and Bux-Mont Transportation 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 GPS Transportation, Inc., :
t/a GPS Transportation God’s People :
Serving to transport, as a common carrier, : Docket No. A-2024-3051677
by motor vehicle, persons in paratransit :
service, from points in the Counties of :
Bucks and Delaware, and the City and :
County of Philadelphia, to points in :
Pennsylvania, and return. :

**JOINT PROTEST OF BUCKS COUNTY TRANSPORT, INC. AND
BUX-MONT TRANSPORTATION, INC.**

Bucks County Transport, Inc. (“BCT”) and Bux-Mont Transportation, Inc. (“Bux-Mont”) (collectively, the “Protestants”), by and through their attorneys, hereby file this 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

The name, address and telephone number of 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 Protestants request that all pleadings, correspondence and other documents in this matter be directed to their attorneys.

II. 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 GPS Transportation, Inc., t/a GPS Transportation God's People Serving ("Applicant" or "GPS Transportation") 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. 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. 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. The Applicant has sought Commission authority to provide paratransit service in geographic territories that overlap with geographic areas in which the Protestants currently provide paratransit service. The Applicant has requested authority for a significant service territory in the Commonwealth of Pennsylvania that encompasses the County of Bucks and Delaware, and the City and County of Philadelphia to points in Pennsylvania, and return. As such, the 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

5. 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). GPS Transportation 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, GPS Transportation has not made a sufficient and adequate showing that it is likely to operate safely when providing paratransit service.

6. 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. The Applicant has not substantiated if its vehicles are equipped with the medical or handicap devices appropriate to paratransit service.

7. The Applicant has failed to provide a sufficient description of its facilities, including a description of its physical location and the facility which will be utilized to house the vehicles, as required by the Commission's Application at ¶4 of the "Verified Statement of Applicant."

8. On the issue of technical fitness, the Applicant has failed to sufficiently describe its plan to maintain records required by the PUC and normal business records, and to provide adequate information required by the Commission's Application Verified Statement form at ¶5 regarding its hiring standards for drivers, its system for conducting criminal background checks, and policies regarding alcohol and drug use by drivers. Applicant has not provided a sufficient description of employees, including dispatchers, who will be responsible for the conduct of the business that could take place throughout portions of Pennsylvania. The Applicant purports to be prepared to evaluate drivers for their fitness and both train and test prospective drivers but has offered no support to demonstrate that individuals qualified to provide driver evaluation, training and testing are part of the business. All of these omissions indicate that Applicant lacks the technical fitness to operate as a common carrier providing paratransit service.

9. Applicant possesses three vehicles with relatively high mileage and has not substantiated if these vehicles or future vehicles, if purchased, are or will be equipped with the medical or handicap devices appropriate to paratransit service.

10. Applicant claims to have transportation experience but provides inadequate details to support the statement. Applicant has not sufficiently explained as required by the Commission's Application at ¶6 of the "Verified Statement of Applicant" how the vehicles it plans to use in the business are appropriate to provide reasonable and efficient service to the large service territory it proposes to serve.

11. Applicant cannot demonstrate that it is likely to operate safely when providing service. 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). Applicant has provided insufficient information requested in the Commission's "Verified Statement of Applicant" at ¶7 regarding its vehicle safety program or its system for ensuring its vehicles will continuously comply with applicable Pennsylvania vehicle equipment standards, and insufficient information regarding the premises at which vehicles will be stored.

12. The Applicant has also failed to provide sufficient evidence of financial fitness. 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). 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 identified business assets cannot be evaluated and found sufficient because no business expenses have been estimated. 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 from the paratransit service business been provided.

13. The Applicant has not demonstrated that it is sufficiently familiar with Pennsylvania Department of Transportation vehicle equipment inspection standards such that it can ensure that standards are met at all times when its vehicles are being operated as required by Commission regulations. 52 Pa. Code § 29.402(1). Nor has Applicant provided a sufficient explanation as to how it will ensure that vehicles are safe and properly functioning prior to putting them into service before each trip. Therefore, GPS Transportation has not demonstrated that it will have a propensity to operate safely if authorized to commence its proposed service.

14. The Applicant claims to have insurance coverage but has not provided any further details and does not list the insurance expense in its financial statement. Applicant has not, therefore, demonstrated it can obtain insurance and pay the required premiums.

15. The grounds for Protest are not limited to the above but are by way of example. Protestant reserves the right to supplement the basis for this Protest as information is developed.

WHEREFORE, for all the foregoing reasons, the 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 Protest, and that the Application of GPS Transportation, Inc., t/a GPS Transportation God's People be denied.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC



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*Attorneys for Bucks County Transport, Inc. and
Bux-Mont Transportation, Inc.*

Dated: December 9, 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.



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

DATED: December 9, 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: December 9, 2024

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service, from points in the Counties of :
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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 and Regular Mail:

Dwaine Lewis
Tansenek Lewis
9237 Roosevelt Boulevard
Suite 203
Philadelphia, PA 19114

Date: December 9, 2024



Tanya C. Leshko