**PENNSYLVANIA**

**PUBLIC UTILITY COMMISSION**

**Harrisburg, PA 17105-3265**

|  |  |
| --- | --- |
| Commissioners Present:  Gladys M. Brown, Chairman  Andrew G. Place, Vice Chairman  John F. Coleman, Jr.  Robert F. Powelson  David W. Sweet |  |
| Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement  v.  Erie Transportation Services Inc.  t/a Erie Yellow Cab | C-2015-2498121 |
|  |  |
|  |  |

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Relief Pursuant to 52 Pa. Code § 5.572 (Petition), filed by Erie Transportation Services Inc. t/a Erie Yellow Cab (Petitioner or Erie Transportation) on September 16, 2016, seeking reconsideration and/or amendment of the Opinion and Order entered September 1, 2016 (*September 2016 Order*), relative to the above-captioned proceeding. The Bureau of Investigation and Enforcement (I&E) filed an Answer to the Petition on September 26, 2016. I&E requests that the Commission deny the Petition.

Pursuant to Rule 1701 of the Pennsylvania Rules of Appellate Procedure, Pa. R.A.P. Rule 1701, the Commission must act to grant a petition for reconsideration within thirty days of the date of entry of the order for which reconsideration is sought, or otherwise lose jurisdiction to do so if a petition for review is timely filed. The thirty‑day period within which the Commission must act upon the Petition in order to preserve jurisdiction ends on October 3, 2016. Accordingly, we shall grant reconsideration, within the meaning of Pa. R.A.P. Rule 1701(b)(3), pending review of, and consideration on, the merits of the Petition.

Within its Petition, Erie Transportation seeks additional time to pay the assessment and civil penalty set forth within Ordering Paragraph No. 3 of the *September 2016 Order*.[[1]](#footnote-1) The Petitioner does not challenge the factual or legal basis of the *September 2016 Order* and admits that it is responsible for the full amount of the assessment and civil penalty set forth in the ruling. However, Erie Transportation requests additional time to pay the assessment and civil penalty arguing that it has sustained significant losses of income in the past three years due to the elimination of a “Fuel Cost Recovery Surcharge” and the entry of transportation network companies into its service territory. Petition at 3.[[2]](#footnote-2)

Due to its alleged difficulties in making the payments in the time frame required by the *September 2016 Order*, Erie Transportation seeks leave to make monthly payments of $1,000 to satisfy the outstanding assessment and civil penalty. Petition at 4.

The Commission’s Regulation at 52 Pa. Code § 1.15 states, in pertinent part:

Except as otherwise provided by statute, whenever under this title or by order of the Commission, or notice given thereunder, an act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed may, by the Commission, the presiding officer or other authorized person, for good cause be extended upon motion made before expiration of the period originally prescribed or as previously extended.

We shall consider the portion of the Petition requesting leave to make monthly payments as a request to extend the deadline for the payment of the assessments and civil penalty pursuant to 52 Pa. Code § 1.15. In order to give the Commission an opportunity for thorough consideration of the Parties’ filings in this proceeding, and in light of the short time frame between the filing of the Answer to the above-referenced Petition (September 26, 2016) and the due date for the payment of the civil penalty (October 3, 2016), the Commission finds good cause to grant the request, in part. Thus, we shall extend the deadline stated in Ordering Paragraph No. 3 of the *September 2016 Order* pending final disposition of the Petition. We shall defer consideration of the request to make monthly installments until we address the merits of the Petition; **THEREFORE,**

**IT IS ORDERED:**

1. That the Petition for Relief Pursuant to 52 Pa. Code § 5.572 filed by Erie Transportation Services Inc. t/a Erie Yellow Cab on September 16, 2016, is hereby granted, pending further review of, and consideration on, the merits.

2. That the Request for an Extension of Time to comply with Ordering Paragraph No. 3 of the Opinion and Order entered September 1, 2016, is granted, in part, consistent with this Opinion and Order.

**BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: September 29, 2016

ORDER ENTERED: September 29, 2016

1. The ordering paragraph requires the remittance of $10,031 within thirty days of the entry of the *September 2016 Order* or by October 3, 2016. [↑](#footnote-ref-1)
2. Additionally, the Petitioner argues that it made a good faith effort to address the assessment by making a significant payment of $12,000 towards its prior outstanding assessment of $19,157 which was owed during the pendency of this action. *Id.*  [↑](#footnote-ref-2)