

CAPTION SHEET

CASE MANAGEMENT SYSTEM

- 1. REPORT DATE: 00/00/00
- 2. BUREAU: OED
- 3. SECTION(S):
- 5. APPROVED BY:
DIRECTOR:
SUPERVISOR:
- 6. PERSON IN CHARGE:
- 8. DOCKET NO: P-00072314
- 4. PUBLIC MEETING DATE:
00/00/00
- 7. DATE FILED: 06/20/07
- 9. EFFECTIVE DATE: 00/00/00

PARTY/COMPLAINANT:

RESPONDENT/APPLICANT: MAPLE CITY TRANSIT, INCORPORATED

COMP/APP COUNTY: UTILITY CODE: 635071

ALLEGATION OR SUBJECT

MAPLE CITY TRANSIT, INC. FILED A PETITION FOR EMERGENCY ORDER FOR REINSTATEMENT OF CERTIFICATE.

DOCUMENT
FOLDER

DOCKETED
JUN 21 2007

Mark S. Jennings, Esquire

Attorney & Counselor at Law

303 Tenth Street
Honesdale, PA 18431
phone (570) 253-6110
fax (570) 253-6124

June 20, 2007

Pennsylvania Public Utility Commission
James McNulty, Secretary
P.O. Box 3265
Harrisburg, PA 17105-3265

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JUN 20 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Re: Maple City Transit
A-00107942C0701
Our File #4016

P-00072314

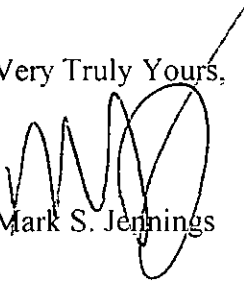
Dear Mr. McNulty:

Please be advised the undersigned represents Maple City Transit Inc. Enclosed you will find a Petition for Reinstatement together with an Emergency Order. In accordance with Pennsylvania Code 52 3.3 the Secretary of the PUC has the authority to issue an Emergency Order. It is my understanding that under that same subsection the Order would remain in full force in effect until the Petition for reinstatement was acted upon by the Commission itself at its next available public meeting.

I would appreciate it if you would consider signing this Order on your own for this particular purpose.

If you have any questions, feel free to contact me.

Very Truly Yours,


Mark S. Jennings

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

ORDER

AND NOW, to wit this day of June, 2007 the Request for Temporary Reinstatement of Certificate of Public Convenience of Maple City Transit, Inc. is hereby granted and the same is hereby reinstated. The Petition for Reinstatement of Maple City Transit, Inc. will be placed before the Pennsylvania Public Utility Commission at the next available Commission Meeting and this Order will remain in full force in effect until the Pennsylvania Public Utility Commission is acted upon said Petition.

James McNulty, Secretary
Pennsylvania Public Utility Commission

Commonwealth of Pennsylvania
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

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JUN 20 2007

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

REQUEST FOR TEMPORARY EMERGENCY REINSTATEMENT OF THE CERTIFICATE
OF
MAPLE CITY TRANSIT, INC.

~~A-00107942~~ P-00072314

AND NOW comes the Petitioner, Maple City Transit, Inc., by and through its attorney Mark S. Jennings, Esquire and files the above a Request for Temporary Reinstatement of Certificate of Public Convenience and in support thereof avers the following.

1. On or about March, 2007, your Petitioner, the Maple City Transit Inc., was informed by Pennsylvania Public Utility Commission (Commission) that it had failed to pay its assessment for the year 2006.

2. In reviewing its records personnel from the Maple City Transit Inc., believed that they had actually paid the assessment in a timely fashion.

3. The Commission however, was unable to verify payment of the 2006 assessment.

4. By reason of the above the complaint against the Maple City Transit Inc., was filed by the Commission to A-00107942 C0701.

5. On May 30, 2007 at a public meeting the Commission sustained the complaint and an Order was issued canceling Petitioner's Certificate of Public Convenience. The aforesaid order was not entered until June 5, 2007, and not served upon the Maple City Transit Inc., until June 18, 2007. A true and correct copy of same is attached hereto as Petitioner's "A".

6. In response to said Order Maple City Transit Inc. sent its corporate officer, Brenda Lee to the Commission directly to rectify the problem.

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JUN 21 2007

7. On June 19, 2007, the said Brenda Lee met with personnel from the Pennsylvania Public Utility Commission, including James Minder and James McNulty, Secretary of the Public Utility Commission.

8. At that time an investigation was done internally by the Commission to ascertain whether in fact the assessment for 2006 had been paid. At that time it was not determined that the assessment had been paid.

9. As a result of the above the said Brenda Lee was authorized by the Maple City Transit Inc. to pay the assessment together with the fine that had been levied in the May 30, 2007, Order of the Commission.

Factors for Consideration of Reinstatement:

A. The failure to pay the 2006 assessment was inadvertent and not willful.

B. The Petitioner has been a certificate holder for many years of the Commission and is the only Public transportation in all of Wayne County.

C. The Petitioner has always met its obligation and has fulfilled any outstanding assessments and or penalties and fines, including the ones associated with this particular order, and has always maintained appropriate insurance filings with the Commission.

D. The Petitioner's filing of the within Petition for Reinstatement was immediate as was its action to rectify the situation.

E. The Petitioner has made every effort to avert the alleged violation and comply with its duty as a common carrier with the privilege of serving the citizens of Wayne County Pennsylvania.

F. The Petitioner assures the Commission that it will continue to comply with future assessments utilizing certificated funds so as to avoid any processing errors.

Factors for Reconsideration for Emergency Reinstatement of Certificate:

A. Maple City Transit, Inc., is the only public carrier of any kind certificated by the Commission for Wayne County Pennsylvania.

B. Part of the Maple City Transit, Inc's. clientele are elderly and infirm people in need of regular medical attention, who utilize the service in order to meet with their doctors and hospital providers. Therefore, the need for the continuous service of Petitioner is immediate.

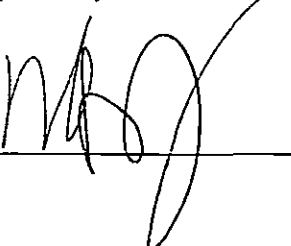
C. At all times relevant to these proceedings Maple City Transit, Inc., has acted in good faith in attempting to resolve this issue and has moved expeditiously in order to reinstate its certificate. Therefore, the right to the relief sought is clear.

D. Maple City Transit, Inc., also has approximately four (4) employees and also has obligations to meet with automobile loans and other outstanding obligations of the company. Therefore, the revocation of the certificate will result in financial harm, perhaps to the extent that the business will not longer be able to continue in service. Therefore, the injury to the public and Petitioner would be irreparable.

E. The request will serve the public interest in that the public will continue to receive transportation services as in the past.

WHEREFORE, for the reasons cited above your Petitioner respectfully requests the Commission to grant the request for emergency temporary authority until such time as the Commission is able to act on the Petition for reinstatement of authority that is filed simultaneously herewith and is attached hereto as Exhibit "A".

Respectfully Submitted.



MARK S JENNINGS, Esquire
Attorney for Maple City Transit, Inc.

VERIFICATION

I, Brenda Lee, Authorized Corporate Officer, of The Maple City Transit, do hereby verify that the facts and statements set forth in the foregoing Petition are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C. S. A. Section 4904, relating to unsworn falsification to authorities.


BRENDA LEE

DATE: June 21, 2007

SUBJECT: P-00072314

TO: Karen Moury, Director of Operations

FROM: *KB* James J. McNulty, Secretary

Maple City Transit, Inc.

Attached please find a Petition for Emergency Order, which accompanied a Petition for Reinstatement, filed by Maple City Transit in connection with the above docketed proceeding.

Attorney Jennings sent the Original Petition overnight yesterday.

This matter is assigned to your Bureau for appropriate action.

Attachment

cc: LAW
TAS

ksb

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JUN 21 2007