

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: GRANNY'S HELPING HANDS PA INC.	:	Docket No. A-2014-2449185
	:	
	:	A-6417022
	:	
	:	

ORDER

And now, on this _____ day of _____, 2015, upon consideration of Petitioner Granny's Helping Hands, Pa. Inc.'s Petition for Reconsideration of the August 5, 2015, denial of the Certificate of Public Convenience, and any response thereto, it is hereby ORDERED and DECREED that the Petition for Reconsideration is GRANTED. It is further ORDERED that the Application for a Certificate of Public Convenience is GRANTED.

BY THE COMMISSION:

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: GRANNY'S HELPING HANDS PA INC.	:	Docket No. A-2014-2449185
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**GRANNY'S HELPING HANDS PA, INC.'S PETITION FOR RECONSIDERATION OF
THE AUGUST 5, 2015 DENIAL OF THE CERTIFICATE OF PUBLIC CONVENIENCE**

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Granny's Helping Hands Pa, Inc. by and through its counsel, Michael S. Henry, Esquire, of Salaman Henry, P.C., hereby files this Motion for Reconsideration of the August 5, 2015 Decision denying the Certificate of Public Convenience , and in support thereof, avers as follows:

I. INTRODUCTION AND FACTUAL HISTORY

1. In the instant matter, Petitioner Granny's Helping Hands, Pa Inc. filed an Application for a Certificate of Public Convenience which was erroneously denied by letter of August 5, 2015 on the basis that supporting documents were never received, notwithstanding the fact that they were forwarded to the Pennsylvania Public Utility Commission by the deadlines of July 28, 2015 and August 1, 2015.

2. On or about May 8, 2015, Petitioner was requested to provide a Business Plan and Supporting Statements for its Application for Certificate of Public Convenience. See, PUC Letter of May 8, 2015, attached hereto as **Exhibit "A"**.

3. On or about June 8, 2015, Petitioner requested an extension for an additional forty five (45) days to file the Verified Statements, which was granted. See, Counsel's Letter of June 8, 2015, attached hereto as **Exhibit "B"**.

4. On or about July 8, 2015, the PUC received the business plan and verified statements, however in its July 14, 2015 Letter, the PUC requested verifications of the answers and provided Petitioner an additional ten (10) days to forward the information. See, PUC Letter of July 14, 2015, attached hereto as **Exhibit “C”**.

5. On or about July 21, 2015, the PUC returned the Business Plan and Verified Statements and required original signatures to be forwarded within ten (10) days from the date of the letter. See PUC Letter of July 21, 2015, attached hereto as **Exhibit “D”**.

6. Therefore, Petitioner was given two deadlines in which to file: a July 28, 2015 deadline in response to the PUC’s letter of July 14, 2015, and an August 1, 2015, deadline in response to the PUC’s letter of July 21, 2015.

7. On or about July 27, 2015, Petitioner served the Pennsylvania Public Utility Commission with the Business plan and Verified Statements of Support for Granny’s Helping Hands in response to the PUC’s letter of July 14, 2015, attached hereto as **Exhibit “E”**.

8. On or about, July 28, 2015, The Business Plan and Verified Statements were received by the Pennsylvania Public Utility Commission. See, Proof of Mailing the originally signed Business Plan and Verified Statements of Support, attached hereto as **Exhibit “F”**.

9. On or about July 29, 2015, Petitioner served the Pennsylvania Public Utility Commission with the originally signed Business Plan and Verified Statements, attached hereto as **Exhibit “G”** in response to the PUC’s letter of July 21, 2015.. See also, Proof of Mailing the originally signed Business Plan and Verified Statements, attached hereto as **Exhibit “H”**.

10. On or about July 29, 2015, The originally signed Business Plan and Verified Statements were time-stamped by the Pennsylvania Public Utility Commission, and are attached hereto as **Exhibit “G”**.

11. On or about August 5, 2015, Petitioner received a letter from the Pennsylvania Public Utility Commission denying Petitioner's Application for a Certificate of Public Convenience. See, Denial Letter of August 5, 2015 attached hereto as **Exhibit "I"**.

12. The reasons for the denial state that there are Insufficient Verified Statements of Applicant and Insufficient Verified Statements of Support because "[t]o date you have not filed the required information with the Commission." See, Denial Letter of August 5, 2015 attached hereto as **Exhibit "I"**.

13. The letter which was dated August 5, 2015, makes no mention of the originally signed Business Plan, Verification, and Verified Statements of Support that were served on July 27 and July 29, which was before the required deadlines.

14. Petitioner assumes that this must be a clerical error and the originally signed Business Plan and Verified Statements were never docketed or were erroneously docketed and respectfully requests that its Petition for Reconsideration and Application for Certificate of Public Convenience be granted as the supporting documents were timely filed.

II. LEGAL STANDARD FOR PETITIONS FOR RECONSIDERATION

15. Pursuant to 52 Pa. Code § 5.44 Petitions for reconsideration from actions of the staff. "(a) Actions taken by staff, other than a presiding officer, under authority delegated by the Commission, will be deemed to be the final action of the Commission unless reconsideration is sought from the Commission within 20 days after service of notice of the action, unless a different time period is specified in this chapter or in the act."

16. Accordingly, a judgment may be altered or amended if the party seeking reconsideration shows at least one of the following grounds: (1) an intervening change in the controlling law; (2) the availability of new evidence that was not available when the court

granted the motion; or (3) the need to correct a clear error of law or fact or to prevent manifest injustice. Blystone v. Horn, 664 F.3d 397, 415–416 (3d Cir. Pa. 2011)(emphasis added).

III. LEGAL ARGUMENT

The Commission must grant the Petition for Reconsideration because the Supporting Documents were Timely Filed and the Denial was Based on a Clear Error of Fact.

17. It was error for the PUC to deny the Application for the Certificate of Public Convenience because the supporting documents were timely filed.

18. Pursuant to the Commonwealth common law “mailbox rule” proof of a mailing raises a rebuttable presumption that the mailed item was received. Samaras v. Hartwick, 698 A.2d 71, 73 (Pa.Super.1997).

19. The presumption under the mailbox rule is not nullified solely by testimony denying receipt of the item mailed. Id.; see also Donegal Mutual Insurance Company v. Insurance Department, 719 A.2d 825 (Pa.Cmwth.1998) (finding that merely asserting that the letter was not received, without corroboration, is insufficient to overcome the presumption of receipt).

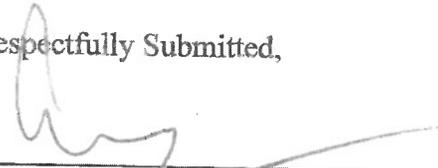
20. As Petitioner timely filed the Supporting documents in support of its Application for Certificate of Public Convenience and provided proof of overnight mailing, there is a rebuttable presumption that the mail was in fact sent timely and was received timely.

21. Moreover, the tracking information provides that both sets of documents were delivered timely.

22. Therefore, it was error to deny the Application because the necessary documents were timely filed.

WHEREFORE, Granny's Helping Hands, Pa, Inc. respectfully requests that the Commission grant the Petition for Reconsideration and the Application for Certificate of Public Convenience.

Respectfully Submitted,

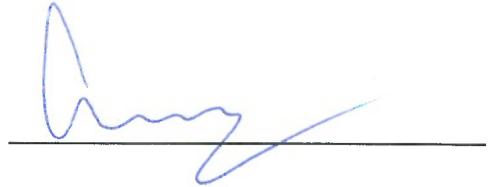


MICHAEL S. HENRY, ESQUIRE
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Philadelphia, PA 19110
(215)-568-1500
Counsel for Granny's Helping Hands, PA,
Inc.

Date: August 21, 2015

VERIFICATION

I, MICHAEL S. HENRY, verify that I am acquainted with the facts and information set forth in the foregoing pleadings and that they are true and correct to my knowledge, information and belief; and that the foregoing Verification is made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

A handwritten signature in blue ink is written over a solid black horizontal line. The signature is stylized and appears to be the name 'Michael S. Henry'.

Date: August 24, 2015

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In re: GRANNY'S HELPING HANDS PA INC. : Docket No. A-2014-2449185
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CERTIFICATE OF SERVICE

I, hereby certify that I mailed by electronic filing and first class mail, postage prepaid, a copy of the foregoing Petition for Reconsideration on the following:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
P.O. Box 3265
Harrisburg, PA 17105-3265



MICHAEL S. HENRY, ESQUIRE

Dated: August 21, 2015