

7. Counsel discovered the approval shortly before the expiration of the compliance period.
8. Upon discovery of the compliance letter counsel contacted the Director of Compliance, Robert Bingaman regarding the situation.
9. Counsel instructed Mr. Bingaman that it would take some time to acquire the insurance but that he would do it as fast as he could.
10. Mr Bingaman apologized for failing to notify counsel of the Application approval and informed him the application would stay open while we worked on compliance. A true and correct copy of the email is attached hereto as Exhibit A
11. Applicant began to immediately make arrangements for acquisition of required insurance and promptly filed a tariff with the Commission
12. On or about November 8, 2016 the Applicant received a notice dated November 2, 2016 that their application was dismissed for failure to file the E Form. A true and correct copy of the correspondence is attached hereto as Exhibit B
13. The Applicant was still in the process of acquisition of the policy at the time of the letter.
14. Applicant has since closed on the policy and filed an E Form with the Philadelphia Parking Authority, however their E Form with the Commission was rejected
15. Counsel has been omitted from several pieces of correspondence recently from the Commission including this and other carrier applications.

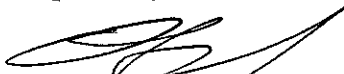
16. Counsel has not received any correspondence on this Application including the attached November 2, 2016 letter of dismissal of the Application which was filed by them.
17. Counsel has also recently moved from the office that they operated out of for the last thirty five (35) years, where they have worked on numerous files with the Commission, to another address down the street.
18. While it does not appear to be the problem here, there has been some trouble with the forwarding of the mail from the previous address.
19. The E Form is ready for filing and has been rejected by the Commission due to this outstanding dismissal.
20. The Commission should reconsider the denial of the Petitioner's Application for Paratransit authority because Petitioner has completed all of the necessary requirement for the grant of his Application.
21. The Commission should reconsider the dismissal of the Petitioner's Application for Paratransit authority because Applicant was not responsible for the failure to provide the documents which were resultant of the Commissions failure to add counsel who was responsible for the completion of the Application.
22. While it does not appear that Counsel was ever sent any of the correspondence, the Applicant is also not responsible if the issue was resultant of the failure to have the mail forwarded to counsel's new office
23. The Commission should reconsider the dismissal of the Petitioner's Application for Paratransit authority convenience because failure to provide

any of this documentation does not mandate a dismissal of the Application merely that the Commission may dismiss the Application. 52 Pa. Code §3.381(c)(1)(iii)(A)(I)

24. In order to prevent this from reoccurring counsel has noticed the Secretary's office of the new address and has made sure that correspondence with the Commission reflects that address.
25. Petitioner will notify counsel immediately as they have done here of any documentation received by the Commission whether they believe counsel has it or not.
26. Counsel has discussed with postal service about the importance of receiving any mail from the previous address in a timely fashion.
27. There is no prejudice to any party by the reconsideration of this order.
28. Petitioner asserts that reconsideration and acceptance of the Application will benefit the public interest.

WHEREFORE, Petitioner ECS Carriers LLC., by and through their attorney respectfully requests reconsideration of the November 2, 2016 Secretarial letter dismissing the Application of ECS Carriers LLC.

Respectfully,



David P. Temple, Esquire
Attorney for Petitioner
ECS Carriers LLC

VERIFICATION

DAVID TEMPLE verifies that he is acquainted with the facts and information set forth in the foregoing pleadings are true and correct to his/her 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.



DAVID TEMPLE

DATE: 11/22/16

EXHIBIT
A

Dave Temple

From: Bingaman, Robert <robingaman@pa.gov>
Sent: Thursday, October 20, 2016 11:31 AM
To: Dave Temple
Subject: RE: ECS Carriers

Good morning, Attorney Temple.

I'm sorry that the specialist neglected to send the letter to you.

In the meantime, a different problem has arisen. In the course of conversation with Colleen Garner, she informed me that it was their attention to actually purchase Delaware Valley Limousine as a going concern, not just the authority, itself.

She told me they have not been able to have Form E filed because the address of Delaware Valley Limousine does not match with the Commission records. I explained to her that because the application filed was for the authority, and not a stock transfer, ECS is not considered the owner of Delaware Valley Limousine.

In closing, I recommend filing an amended first page to the application, showing that they wanted it to be a stock transfer. Of course, they will probably have to eventually file something with the PA Corporation Bureau.

rob

From: Dave Temple [mailto:Dave@gallagher-law.com]
Sent: Thursday, October 20, 2016 11:22 AM
To: Bingaman, Robert
Subject: ECS Carriers

Rob

My client got this approval letter and I was not aware of it as it was not sent to me. I may need some additional time to comply as a result. I can have a tariff filed next week and working on insurance now

EXHIBIT
B



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

November 2, 2016

A-2016-2553673

DISMISSAL NOTICE

ECS CARRIERS LLC
2324 HILL CAMP ROAD
POTTSTOWN, PA 19465

To Whom It May Concern:

More than sixty (60) days ago, you received a Commission Order/Secretarial Letter stating that the Pennsylvania Public Utility Commission approved your application for Limousine authority, conditioned upon your compliance with specific requirements within sixty (60) days. To date, you have not complied with one or more of the following requirements:

X Failed to have your insurance company/agent file evidence of bodily injury and property damage liability insurance (Form E) with this Commission

Failed to have your insurance company/agent file evidence of cargo liability insurance (Form H) with this Commission

Failed to have your insurance company/agent file a surety bond

Failed to file a tariff establishing just and reasonable rates

Failed to file a description of the vehicle(s) to be used in service which included the make, model, year, vehicle identification number and mileage

DISPOSITION – DISMISSAL

Since this Commission has not received all of the requirements listed in your Order/Letter within sixty (60) days, **YOUR APPLICATION IS HEREBY DISMISSED** for non-compliance. **YOU MAY NOT OPERATE.** A CERTIFICATE WILL NOT BE ISSUED.

APPEAL RIGHTS

If you disagree with this determination, you may send a Petition for Reconsideration to: Secretary, Pennsylvania Public Utility Commission, P.O. Box 3265, Harrisburg, PA 17105-3265. Such a Petition is a written statement asking the Commission to change its determination.

The Petition must be filed with the Commission within twenty (20) days of the date of this letter. If no timely request for reconsideration is made, this action will be deemed to be the final action of the Commission.

The Petition **MUST** include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request, (2) the case docket number(s) (they are provided for you at the top right hand corner of this letter), (3) the name of the person on whose behalf the petition is made, (4) copies of relevant documentation, and (5) a verification with original signature. See 52 Pa. Code §§-1.31 and 5.44.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

Below is a sample Verification:

VERIFICATION

I, (YOUR NAME GOES HERE), hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

(Applicant is not now engaged in intrastate transportation of property or passengers for compensation in this Commonwealth except as authorized by the Pennsylvania Public Utility Commission certificate or permit, and will not engage in the transportation for which approval is herein sought, unless and until the transportation is authorized by your Honorable Commission.)

(SIGN AND DATE)

CONCLUSION

If you believe that you have received this letter in error, please contact the Compliance Office of the Motor Carrier Services and Enforcement Division in the Bureau of Technical Utility Services at 717-787-1227 within ten (10) days of the date of this letter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta", written in a cursive style.

Rosemary Chiavetta
Secretary

pc: Secretary's Bureau - File
Bureau of Technical Utility Services – Safety Office
Bureau of Technical Utility Services – Compliance Office, Insurance Section