

**PENNSYLVANIA PUBLIC UTILITY COMMISSION
HARRISBURG PENNSYLVANIA 17120**

PUC Investigation & Enforcement

v.

**Harrisburg City Cab, Inc. d/b/a
Harrisburg City Cab and Liberty Cab**

Public Meeting held July 16, 2020

**3015167-OSA
C-2019-3015167**

DISSENTING STATEMENT OF VICE CHAIRMAN DAVID W. SWEET

Before the Commission is a timely filed Petition for Reconsideration of a Secretarial Letter issued in February 2020 filed by Harrisburg City Cab. On December 29, 2019, the Commission's Bureau of Investigation & Enforcement (I&E) filed a formal complaint for failure to maintain evidence of insurance. After Harrisburg City Cab did not file an answer, staff issued a Secretarial Letter in February of 2020 which imposed a civil penalty, canceled the certificate of public convenience, and informed that the Department of Transportation would be notified to suspend their vehicle registrations.

When Harrisburg City Cab received the Secretarial letter canceling its authority, it filed a timely Petition for Reconsideration of Staff Action and attached proof of continued insurance in the form of its insurance summary. The summary showed a policy for one vehicle, the only one remaining in the carrier's fleet, with a start date of December 19, 2019. Additionally, the Petition claims that while there was never a lapse in insurance coverage, that they did have to change to a new insurance company & that change took place on December 19, 2019. Upon receiving the Complaint, Harrisburg City Cab notified the insurer and was assured that it had taken care of filing the Form E electronically.

Continuous insurance coverage is vital to the safety of the public served by certificated motor carriers, and the Commission's method of ensuring the continued coverage is to require the filing of a Form E. It is not unusual for Commission Staff to issue a notice or a formal complaint when this form is not filed in a timely manner. In fact, it happens quite often and prompts the motor carriers to remind or inform their insurance carriers to file the necessary forms, and the litigation goes away. That is because while vitally important, the filing of an insurance form is a ministerial act.

This agency is charged with regulating the motor carrier industry. The companies are held to a standard of behavior, vehicle maintenance and a number of other requirements in exchange for the privilege of serving Pennsylvania citizens. Once those standards are met, the Commission is charged with facilitating their ability to provide those services by handling the interactions in a quick, professional manner. Here, the motor carrier contacted its insurance carrier and was assured that the matter had been properly addressed. The only failure was to follow up with Commission Staff to ensure the carrier was successful. This act, if it had been performed weeks earlier, would have been ministerial and would have ended the controversy. After the issuance of a Secretarial Letter, this act is no less ministerial, and the Petition for Reconsideration should have been granted as it was clear the carrier was cooperating. The need for legal representation to file the petition is inconsistent with the goals of the regulations, particularly when it is unopposed. It is not helpful to the carrier, it is not a good use of Commission resources, and is not in the public interest.

Accordingly, I will be dissenting on this matter.

July 16, 2020

DATE



DAVID W. SWEET
VICE CHAIRMAN