

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: Penn Trans Shuttle LLC: Docket No. C-2020-3022796
A-6414132

PETITION FOR REINSTATEMENT

Petitioner, Penn Trans Shuttle LLC, by and through their attorney, David P. Temple, Esquire, hereby respectfully requests that the Certificate of Public Convenience for the above referenced carrier be reinstated for the following reasons:

1. Petitioner is Penn Trans Shuttle LLC with principal place of business located at 101 Wexford Place, Philadelphia, Pennsylvania.
2. The Petitioner was issued a Certificate of Public Convenience on September 10, 2012 under Docket No. A-6414132.
3. The Petitioners rights were cancelled on or about March 11, 2021 for failure to respond to an insurance complaint dated November 20, 2020. A true and correct copy of the cancellation notice is attached as Exhibit A
4. On November 20, 2020 the Bureau of Investigation and Enforcement initiated a Complaint against the Petitioner for failure to maintain insurance with an understanding that it would be rescinded if insurance was filed. A true and correct copy of the Complaint is attached hereto as Exhibit B.
5. The Respondent never received the PUC complaint

6. The complaint was allegedly served on the respondent via email because of the pandemic personal service was not being performed.
7. The PUC however never had an email address for this carrier since their application was processed well before email addresses were required,
8. The email address used by the PUC was penntshuttle@gmail.com and had been obtained as a result of a search done by the Commission for the purposes of service, and is not one that is used by the carrier.
9. There is no record that the carrier even received this complaint.
10. The complaint was also never even served by publication according to the search of the records.
11. The only way the carrier learned of the cancellation is when they contacted counsel to see what was necessary to reinstate service following COVID shutdown.
12. The carrier provides service primarily for an adult day care center which was forced to stop during COVID and therefore transportation was no longer needed.
13. The carrier failed to request voluntary suspension and was just waiting for service to reinstate with the adult day care center.

14. In addition to not being served the complaint, the carrier did not receive the cancellation letter via the mail because they had moved from their location at 2200 Washington Lane, which was sold on October 15, 2020.
15. The managing member of the carrier failed to follow through with address change or voluntary suspension, but was still dealing with the loss of her child in 2017, which devastated her emotionally.
16. The managing member has come to terms with her grief and is ready to rectify those issues.
17. Due to the suspension and subsequent cancellation of his authority the Petitioner has been unable to file evidence of insurance with the Commission or file for the requisite address change.
18. The Petitioner is prepared to immediately file an E Form with the Commission evidencing insurance as required.
19. The Petitioner is prepared to immediately file an address change reflecting the correct carrier address.
20. The Petitioner, while not having ever been served with the Complaint has satisfied the \$600 in fines resultant from the Complaint.
21. The Petitioner has presented a valid rationale for this problem which stemmed from the failure to file for voluntary suspension which triggered the insurance complaint.
22. The insurance complaint or even the letter would have triggered a response but the insurance complaint was never served and the letter never received,

much of that caused by the COVID pandemic (PUC service and adult day care shut down).

23. The Petitioner has taken steps to assure that this does not happen again as she has now recovered from her grief and will be taking personal responsibility for all Commission correspondence and orders and follow up thereafter.

24. The Petitioner has had an excellent record of compliance with the Commission and has no outstanding fines or assessments other than the ones being satisfied for this incident.

25. Petitioner asserts that reinstatement gives the public greater choices and such competition benefits the public interest.

26. While petition is a little late COVID-19 changes and closures made it difficult for access to information and coordination between the different companies, attorneys and carriers.

WHEREFORE, Petitioner Penn Trans Shuttle LLC, by and through their attorney respectfully request reinstatement of his Certificate of Authority with the Public Utility Commission.

Respectfully,



David P. Temple, Esquire
Attorney for Petitioner
Penn Trans Shuttle LLC

EXHIBIT
A



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
400 NORTH STREET, HARRISBURG, PA 17120

March 11, 2021

IN REPLY PLEASE
REFER TO OUR FILE

A-6414132
C-2020-3022796

PENN TRANS SHUTTLE LLC
2200 WASHINGTON LANE
HUNTINGDON VALLEY PA 19006

CANCELLATION NOTICE

Re: Pennsylvania Public Utility Commission, Bureau of Investigation & Enforcement v. Penn Trans Shuttle LLC

Respondent:

On November 20, 2020, the Bureau of Investigation and Enforcement instituted a Complaint against Penn Trans Shuttle LLC, Respondent, for failure to maintain evidence of Liability Insurance on file with the Commission, a violation of 66 Pa. C.S. §512, 52 Pa. Code §32.2(c), and 52 Pa. Code §32.11(a).

In accordance with 52 Pa. Code §5.61, the Bureau of Investigation and Enforcement notified the Respondent that an Answer to the Complaint must be filed within twenty (20) days of the date of service. The Notice further specified that, if Respondent failed to answer the Complaint within twenty (20) days, the Bureau of Investigation and Enforcement would request that the Commission cancel Respondent's Certificate of Public Convenience.

The Complaint was served on Respondent, November 20, 2020, by e-mail. To date, more than twenty (20) days later, Respondent has failed to file an Answer to the Complaint and has failed to have his insurer file evidence of insurance with this Commission.

Therefore, the allegations in the Complaint are deemed to be admitted. The Complaint is hereby sustained and the **Certificate of Public Convenience**, issued to Respondent at A-6414132 is hereby CANCELLED.

Respondent is assessed a fine of \$500.00 for failure to maintain evidence of insurance on file with this Commission as required at 52 Pa. Code §32, as well as a fine in the amount of \$100.00 for failing to file an answer to the Complaint as required by 52 Pa. Code §5.61, for a total fine of \$600.00. Payment must be made by certified check or money order payable to the Commonwealth of PA, and mailed to Pa. Public Utility Commission, 400 North Street, Harrisburg, PA 17120.

Furthermore, this Commission will request the Pennsylvania Department of Transportation to put an administrative hold on Respondent's vehicle registrations. Respondent

will **NOT** be able to register any new vehicles or renew any existing vehicle registrations until all past due assessments are paid, all past due fines are paid, all insurance filings are up to date, and it holds an active Certificate of Public Convenience issued by this Commission.

This Secretarial Cancellation Letter will also be served on:

The Department of Revenue
Bureau of Audit Programs
Sales and Use Taxes
Tenth Floor, Strawberry Square
Harrisburg, PA 17128-1061

Respondent is hereby notified to cease and desist from further violations of the Public Utility Code, 66 Pa. C.S. §§1.1 *et seq.*, and the regulations of the Commission, 52 Pa. Code §§1.1 *et seq.* In view of the **cancellation of respondent's Certificate of Public Convenience**, it is specifically prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania.

APPEAL RIGHTS

If you disagree with this determination, you may send a Petition for Reconsideration from Staff Action (Petition) to: Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Such a Petition is a written statement asking the Commission to change its determination.

Due to the pandemic emergency, the Commission has no access to mail delivery. ALL Parties to proceedings pending before the Commission must open an e-filing account through the Commission's website and use e-filing and accept e-service as required by the Commission's Emergency Order at Docket Number M-2020-3019262. If a filing contains confidential or proprietary material, the filing may be sent to Secretary Chiavetta at rchiavetta@pa.gov.

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. Below is a sample Verification:

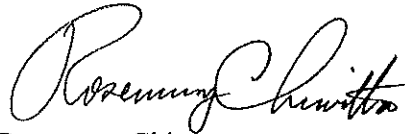
VERIFICATION

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).

(SIGN AND DATE)

If you believe that you have received this letter in error, please contact the Compliance Office of the Motor Carrier Services Division in the Bureau of Technical Utility Services at 717-787-3834 within ten (10) days of the date of this letter.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta,
Secretary

CC: PA Department of Transportation
PA Department of Revenue

EXHIBIT
B

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY COMMISSION
BUREAU OF INVESTIGATION AND ENFORCEMENT

V.

PENN TRANS SHUTTLE LLC
2200 WASHINGTON LANE
HUNTINGDON VALLEY, PA 19006

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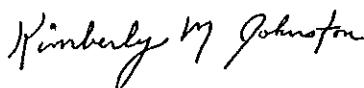
COMPLAINT

The Pennsylvania Public Utility Commission (Commission) is a duly constituted agency of the Commonwealth of Pennsylvania empowered to regulate public utilities within the Commonwealth. The Commission has delegated its authority to initiate proceedings which are prosecutory in nature to the Bureau of Investigation and Enforcement and other bureaus with enforcement responsibilities. Pursuant to that delegated authority and Section 701 of the Public Utility Code, the Bureau of Investigation and Enforcement hereby represents as follows:

1. That all authority issued to PENN TRANS SHUTTLE LLC, (respondent) is under suspension effective October 23, 2020 for failure to maintain evidence of insurance on file with this Commission.
2. That respondent maintains a principal place of business at 2200 WASHINGTON LANE, HUNTINGDON VALLEY, PA 19006.
3. That respondent was issued a Certificate of Public Convenience by this Commission on September 10, 2012, at A-6414132.
4. That respondent has failed to maintain evidence of Liability insurance on file with this Commission. The Bureau of Investigation and Enforcement's proposed civil penalty for this violation is \$500.00 and cancellation of the Certificate of Public Convenience.
5. That respondent, by failing to maintain evidence of insurance on file with this Commission, violated 66 Pa. C.S. §512, 52 Pa. Code §32.2(c), and 52 Pa. Code §32.11(a), §32.12(a) or §32.13(a).

WHEREFORE, unless respondent pays the penalty of \$500.00 or files an answer in compliance with the attached notice and/or causes its insurer to file evidence of insurance with this Commission within twenty (20) days of the date of service of this Complaint, the Bureau of Investigation and Enforcement will request that the Commission issue an Order which (1) cancels the Certificate of Public Convenience held by respondent at A-6414132 for failure to maintain evidence of current insurance on file with the Commission, (2) fines Respondent the sum of five hundred dollars (\$500.00) for the illegal activity described in this Complaint, (3) orders such other remedy as the Commission may deem to be appropriate, which may include the suspension of a vehicle registration and (4) imposes an additional fine on the respondent should cancellation occur.

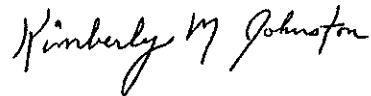
Respectfully submitted,



Kimberly M. Johnston, Acting Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

VERIFICATION

I, Kimberly M. Johnston, Acting Chief, Motor Carrier Enforcement, Bureau of Investigation and Enforcement, hereby state that the facts above set forth are true and correct to the best of my knowledge, information and belief and that I expect that the Bureau will be able to prove same at any 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.



Date: November 20, 2020

Kimberly M. Johnston, Acting Chief
Motor Carrier Enforcement
Bureau of Investigation and Enforcement

NOTICE

- A. **You must file an Answer within 20 days of the date of service of this Complaint.** The date of service is the mailing date as indicated at the top of the Secretarial Letter. See 52 Pa. Code §1.56(a). The Answer must raise all factual and legal arguments that you wish to claim in your defense, include the docket number of this Complaint, and be verified. You may file your Answer by mailing an original to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Or, you may eFile your Answer using the Commission's website at www.puc.pa.gov. The link to eFiling is located under the Filing & Resources tab on the homepage. If your Answer is 250 pages or less, you are not required to file a paper copy. If your Answer exceeds 250 pages, you must file a paper copy with the Secretary's Bureau.

Additionally, a copy should either be mailed to:

Michael L. Swindler, Deputy Chief Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
400 North Street
Harrisburg, PA 17120

Or, emailed to Mr. Swindler at: RA-PCCmplntResp@pa.gov

- B. If you fail to answer this Complaint within 20 days, the Bureau of Investigation and Enforcement will request that the Commission issue an Order imposing the penalty.
- C. You may elect not to contest this Complaint by causing your insurer to file proper evidence of current insurance in accordance with the Commission's regulations and by paying the fine proposed in this Complaint by certified check or money order within twenty (20) days of the date of service of this Complaint. **ACCORD CERTIFICATES OF INSURANCE and FAXED FORM Es and Hs ARE UNACCEPTABLE AS EVIDENCE OF INSURANCE.**

The proof of insurance must be filed with the:

Compliance Office, Bureau of Technical Utility Services
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Payment of the fine must be made to the **Commonwealth of Pennsylvania** and should be forwarded to:

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

Your payment is an admission that you committed the alleged violation and an agreement to cease and desist from further violations. Upon receipt of the evidence of insurance from your insurer, and upon receipt of your payment, the Complaint proceeding shall be closed.

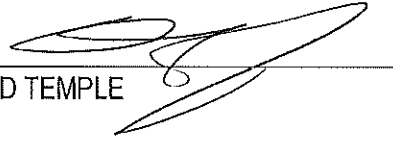
- D. If you file an Answer which either admits or fails to deny the allegations of the Complaint, the Bureau of Investigation and Enforcement will request the Commission to issue an Order imposing the penalty set forth in this Complaint.
- E. If you file an Answer which contests the Complaint, the matter will be assigned to an Administrative Law Judge for hearing and decision. The Judge is not bound by the penalty set forth in the Complaint, and may impose additional and/or alternative penalties as appropriate.
- F. If you are a corporation, you must be represented by legal counsel. 52 Pa. Code §1.21.

Alternative formats of this material are available for persons with disabilities by contacting the Commission's ADA Coordinator at 717-787-8714. **Do not call this number if you have questions as to why you received this complaint. For those questions you may call 717-783-3847.**

VERIFICATION

DAVID TEMPLE, Attorney for Penn Trans Shuttle, LLC verifies that he is acquainted with the facts and information set forth in the foregoing pleadings are true and correct to my knowledge, information and belief. I expect to be able to prove the same at any hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa. C.S. Section 4904 relating to unsworn falsification to authorities.

DAVID TEMPLE

A handwritten signature in black ink, appearing to read 'David Temple', written over a horizontal line.

DATE: 4/5/22