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March 17, 2023

**VIA ELECTRONIC FILING**

Rosemary Chiavetta, Secretary  
Pennsylvania Public Utility Commission  
Commonwealth Keystone Building  
400 North Street, Filing Room  
Harrisburg, PA 17120

RE: ON Time, LLC; Docket No. A-2022-3033118; **PETITION FOR  
RECONSIDERATION OF STAFF ACTION PURSUANT TO 52 PA. CODE  
SECTION 5.44**

Dear Secretary Chiavetta:

Enclosed for filing with the Pennsylvania Public Utility Commission is the Petition for Reconsideration of Staff Action Pursuant to 52 Pa. Code Section 5.44.

Thank you for your attention to this matter. If you have any questions, please feel free to contact me.

Very truly yours,

Todd S. Stewart  
*Counsel for ON Time, LLC*

TSS/jld

Enclosure

cc: Tatjana Roth, Bureau of Technical Utility Service (via [email-taroth@pa.gov](mailto:email-taroth@pa.gov))

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of ON Time, LLC

: Docket No. A-2022-3033118

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**PETITION FOR RECONSIDERATION  
OF ACTION OF STAFF  
PURSUANT TO 52 PA CODE § 5.44**

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NOW COMES Applicant ON Time, LLC ("ON Time") and hereby Petitions for Reconsideration of Staff Action pursuant to 52 Pa. Code § 5.44. As discussed below, ON Time had a breakdown in administrative process that led to its failure to comply with the requirement to provide a tariff in compliance with the Pennsylvania Public Utility Commission's ("Commission") Notice of December 30, 2022, and staff subsequently issued a notice of termination on March 15, 2023. ON Time has since retained counsel to assist with the preparation of a tariff and is able to comply with the requirement to file a tariff (See **Attachment A**) and seeks reconsideration in the form of a Recission of the March 13, 2023, Secretarial Letter and further referral of this matter to the Bureau of Technical Utility Services for whatever action is needed; namely, consideration of its tariff.

1. On April 5, 2022, ON Time, LLC submitted an Application for authority to operate as a paratransit common carrier. The Application was docketed on June 17, 2022.
2. A protest by several paratransit providers within the proposed service territory was filed.
3. On December 6, 2022, a restrictive amendment was filed which averted the need for a hearing and which resulted in the Presiding Administrative Law Judge issuing an Order on

December 16, 2022, assigning the Application to the Bureau of Technical Utility Services ("TUS").

4. On or about December 30, 2022, TUS issued a Letter to ON Time noting that ON-Time's application had been reviewed and that subject to ON Time filing an appropriate Form E to demonstrate adequate insurance and submitting an appropriate tariff, and upon approval of said tariff, its application would be approved, and a Certificate of Public Convenience would be issued.

5. ON Time complied with the requirement to provide the Form E.

6. Due to an administrative oversight and a general lack of familiarity with Commission processes and requirement, however, ON Time failed to provide the required tariff.

7. On March 15, 2023, ON Time received a dismissal notice from the Commission indicating that due to the passage of time and its failure to provide a tariff and have said tariff approved, its application was denied.

8. Upon receipt of the Dismissal Notice, ON Time retained counsel to prepare and seek approval of a tariff and to prepare this Petition for Reconsideration asking the Commission to use its discretion to reverse the action of staff and consider the attached tariff as being in compliance with the requirements of the Commission's December 30, 2022 letter.

## **I. ARGUMENT**

9. Section 332(a) of the Public Utility Code (Code), [66 Pa. C.S. § 332\(a\)](#), provides that the party seeking affirmative relief from the Commission has the burden of proof. In this proceeding, the Applicant is the party seeking affirmative relief from the Commission. Therefore, the Applicant is the party with the burden of proof. *See Application of 610 Hauling, LLC, t/a College Hunks Hauling Junk, for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, from points in the counties of Chester, Delaware, Montgomery,*

*Philadelphia, and Bucks, to points in Pennsylvania*, Docket Nos. A-2012-2334103 and A-8915269 (Order entered November 5, 2015), citing [Se-Ling Hosiery, Inc. v. Margulies, 70 A.2d 854 \(Pa. 1950\)](#) (*Se-Ling Hosiery*).

10. Additionally, pursuant to Section 1103(a) of the Code, [66 Pa. C.S. § 1103\(a\)](#), an application for a Certificate of Public Convenience should be granted only if the Commission finds that “the granting of such certificate is necessary or proper for the service, accommodation, convenience or safety of the public.” The Commission also has issued a Policy Statement at [52 Pa. Code § 41.14](#), which provides as follows:

An applicant seeking motor common carrier authority has the burden of demonstrating that it possesses the technical and financial ability to provide the proposed service. In addition, authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally. In evaluating whether a motor carrier applicant can satisfy these fitness standards, the Commission will ordinarily examine the following factors, when applicable:

- (1) Whether an applicant has sufficient capital, equipment, facilities and other resources necessary to serve the territory requested.
- (2) Whether an applicant and its employees have sufficient technical expertise and experience to serve the territory requested.
- (3) Whether an applicant has or is able to secure sufficient and continuous insurance coverage for all vehicles to be used or useful in the provision of service to the public.
- (4) Whether the applicant has an appropriate plan to comply with the Commission's driver and vehicle safety regulations and service standards in Chapter 29 (relating to motor carriers of passengers).
- (5) An applicant's record, if any, of compliance with 66 Pa. C.S. (relating to Public Utility Code), this title and the Commission's orders.
- (6) Whether an applicant or its drivers have been convicted of a felony or crime of moral turpitude and remains subject to supervision by a court or correctional institution.<sup>1</sup>

11. Applicant has already established that it complies with all of these requirements to the satisfaction of the TUS reviewing staff. Its only failure is its lack of experience with the

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<sup>1</sup> 52 Pa. Code § 41.14

Commission's procedures, which has now been remedied by the retention of counsel to assist in ongoing compliance. ON Time believes that dismissing its application for lack of timely response would be a waste of the resources that would be required for ON Time to again seek a certificate of public convenience, when it has already reached this last stage of the process. ON Time requests that the Commission exercise its discretion to provide the relief requested: that is, to rescind the dismissal notice and allow ON Time to proceed through the application process to its conclusion. ON Time has proven that it is fit and able to provide service and its application should be allowed to continue.

WHEREFORE, ON Time respectfully requests that its Petition be granted, that the Dismissal Notice dated March 15, 2023 be rescinded, and that it be permitted to submit a tariff and continue with the approval process as outlined in the Commission's December 30, 2022 Letter.

Respectfully submitted,



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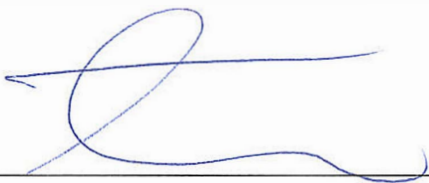
*Counsel for ON Time, LLC*

DATED: March 17, 2023

**VERIFICATION**

I, Touyon Tarley, Director of ON Time, LLC, hereby state that the facts set forth in the foregoing documents are true and correct to the best of my knowledge, information, and belief and that I expect to be able to prove the same if required 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: 03/16/2023

Signature: 

# **ATTACHMENT A**

**ON Time, LLC**

**Rates and Rules Governing the Transportation of Persons in Paratransit Service**

*To transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the City and County of Philadelphia and Delaware County and to points in the Counties of Chester, Montgomery and Bucks and return: and between points in the Counties of Chester, Bucks and Montgomery and to points in the City and County of Philadelphia and Delaware County and return, limited solely to clients of Honest Hands Homecare, LLC and Wright Care Home Care, LLC who receive a minimum of ten hours a week of personal assistance and related homecare services that are reimbursable by a Medicaid Waiver Program in addition to receiving transportation services.*

Issued: March 20, 2023

Effective: April 20, 2023

Issued under authority of 52 PA Code Section 23.42

By: On Time, LLC  
417 North Springfield Road  
Clifton Heights, PA 19018  
Tel: (619)400-5295

## **RULES AND REGULATIONS**

1. **ADVANCE RESERVATIONS.** Advance reservations for service must be made no later than 30 minutes prior to service being rendered.
  
2. **MILEAGE.** Rates for mileage are determined by GPS mapping software and will be calculated from the passenger's pick-up (point of origin) to the passenger's drop-off (point of destination).
  
3. **SERVICE.** Service is provided on a non-exclusive basis.
  
4. **ADDITIONAL EXPENSES.** The rates and charges in this tariff cover transportation only. All tolls, parking/entrance fees, and other out-of-pocket expenses shall be the responsibility of the customer and will be added onto carrier's charges.
  
5. **CONTRACTS SERVICES.** Contract services provided by ON Time, LLC will be for a term of not less than 30 days for private parties and for prequalified person under existing facility contracts. Rates for the services will be specified in the respective contracts, copies of which, including any amendments thereto, are to be filed with the Commission.

**SCHEDULE OF RATES**

**In the Counties of Bucks, Chester, Delaware, Montgomery and Philadelphia  
(Per Person)**

**Base Rate**

	<u>Wheelchair</u>	<u>Non-medical Wheelchair Litter</u>	
One-way trip	\$55.00 per passenger	\$150.00 per passenger	
Roundtrip	\$110.00 per passenger	\$300.00 per passenger	
<b>Types of Charge</b>	<b>Weekday Business Hours</b>	<b>Weekends &amp; Off Hours</b>	<b>Holidays</b>
Ambulatory – Base Rate	\$35	\$45	\$55
Wheelchair – Base Rate	\$55	\$85	\$105
Stretcher – Base Rate	\$300	\$325	\$350
Additional Mileage Fees	\$5 per mile	\$7 per mile	\$10 per mile
Wait-time Fees (per 30 mins)	\$30	\$30	\$30
Additional Attendant Fees	\$10	\$10	\$10

**Mileage Rate**

In addition to the above base rates, a mileage rate of \$ 3.00 per mile or fraction thereof applies on all Wheelchair trips. A mileage rate of \$ 5.00 per mile or fraction thereof applies on all Non-Medical Wheelchair Litter trips.

**Waiting Time**

Waiting time during which the driver or crew must wait for the passenger at the point of pick-up or drop-off shall be charged at the rate of \$ 15.00 for each 15 minutes or fraction thereof, in addition to the appropriate prescribed rates set forth above

**Additional Attendant**

An additional charge of \$100 will apply to all trips requiring an extra attendant to assist during the transport.

**Stair Chair Service Charge**

An additional charge of \$60 will apply to all trips that require the use of a stair chair.

**Bariatric Service Charge**

An additional charge of \$80 will apply to all trips that require the use of special equipment and/or extra staff to safely transport bariatric passengers.