

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of LHC Transport Services, LLC	:	
for the right to begin to transport, as a common	:	
carrier, by motor vehicle, persons in paratransit	:	
service, limited to individuals who are physically	:	A-2024-3050601
or intellectually disabled, from points in Counties	:	
of Bucks and Montgomery, and the City and	:	
County of Philadelphia, to points in	:	
Pennsylvania, and return.	:	

**INTERIM ORDER
TRANSFERRING APPLICATION
TO BUREAU OF TECHNICAL UTILITY SERVICES**

Background

On July 1, 2024, LHC Transport Services, LLC, (Applicant or LHC) filed with the Pennsylvania Public Utility Commission (Commission) at Docket No. A-2024-3050601 an Application for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to individuals who are physically or intellectually disabled, from points in the Counties of Bucks, Montgomery, and the City and County of Philadelphia to points in Pennsylvania, and return. Notice of the Application was published in the *Pennsylvania Bulletin* on October 5, 2024. 54 Pa.B. 6352. Any protest to the Application was due by October 21, 2024.

On October 21, 2024, Joint Protestants, Bucks County Transport, Inc., Bux-Mont Transportation., Easton Coach Company, Suburban Transit Network, Inc. and Tri County Transit Service, Inc. by and through their attorney, Tanya C. Leshko, Esquire, filed a Joint Protest to the Application.

By Notice dated October 25, 2024, the Parties were informed that this proceeding was assigned to me for an Initial Call-In Telephonic Hearing on December 12, 2024, at 10:00 a.m. On October 28, 2024, I issued a Prehearing Order informing the Parties about the applicable procedural rules for the hearing.

On November 1, 2024, Applicant and Joint Protestants filed a Restrictive Amendment as follows:

1. The above-captioned Application is hereby amended to clearly identify and specify the territory requested so that the authority sought shall read as follows:

For the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to individuals who are physically or intellectually disabled, from points in the City and County of Philadelphia, to points in Pennsylvania, and return.

2. Based upon the Restrictive Amendment set forth in Paragraph 1 above, and conditioned upon its acceptance and approval by the Pennsylvania Public Utility Commission (“Commission”) and any order issued being consistent therewith, Joint Protestants agree to withdraw their respective Protests to the Application as amended, subject to the following two conditions and requirements: (i) in the event that this Restrictive Amendment is rejected by the Commission for any reason, the Protests shall be deemed immediately reinstated, this proceeding shall be scheduled for hearing to permit Joint Protestants to present evidence in an on-the-record proceeding in opposition to approval of the Application, and neither the Restrictive Amendment, nor the fact that the parties agreed to submit it to the Commission, shall be used against any party in any subsequent hearing or proceeding; and (ii) in the event that any aspect of this Restrictive Amendment is rejected by the Commission for any reason, the Joint Protestants shall have the right to request reconsideration before the Commission or to appeal before any and all appropriate courts, or both, and in any such proceedings Applicant shall not raise any objections as to party status or standing of the Joint Protestants.

3. The Restrictive Amendment set forth in Paragraph 1 is in the public interest because it will allow the Applicant to provide paratransit service in a manner consistent with its operating objectives and it will resolve the Protests to the Application while avoiding the time and expense of further litigation.

4. Joint Protestants desire to remain a party of record so as to receive copies of any orders or other documentation issued by the Commission in the proceeding.

Restrictive Amendment ¶¶ 1-4.

By electronic mail on November 4, 2024, I informed the Applicant and Joint Protestants that in view of their joint filing of the Restrictive Amendment, an Interim Order would issue shortly as to whether the Application as amended may be considered without holding a hearing.

Discussion

For the reasons discussed below, the Application and Restrictive Amendment may be considered without holding a hearing.

Under the terms of the Restrictive Amendment, the Joint Protestants agree to withdraw their Protests conditioned upon the Commission's acceptance and approval of the Restrictive Amendment. Accordingly, the Application of LHC is now unopposed.

The Commission's regulation at 52 Pa.Code § 3.381(c)(1)(iii), provides that if all protests to an application for passenger authority are withdrawn at or prior to the hearing, the Commission may consider the application without holding an oral hearing, based on verified statements filed by the applicant. Since no protests other than those filed by the Joint Protestants were filed to LHC's Application, this matter will be transferred to the Commission's Bureau of Technical Utility Services for further review under the procedure set forth at 52 Pa.Code § 3.381(c)(1)(iii).

Additionally, a notice cancelling the hearing scheduled in this proceeding for December 12, 2024, will be issued to the Applicant and Joint Protestants.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Application of LHC Transport Services, LLC, as amended, for the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to individuals who are physically or intellectually disabled, from points in the City and County of Philadelphia, to points in Pennsylvania, and return is transferred to the Commission's Bureau of Technical Utility Services for review pursuant to 52 Pa.Code § 3.381(c)(1)(iii).

Date: November 6, 2024


Conrad A. Johnson
Administrative Law Judge

A-2024-3050601 - APPLICATION OF LHC TRANSPORT SERVICES LLC FOR THE RIGHT TO BEGIN TO TRANSPORT, AS A COMMON CARRIER, BY MOTOR VEHICLE, PERSONS IN PARATRANSIT SERVICE, LIMITED TO INDIVIDUALS WHO ARE PHYSICALLY OR INTELLECTUALLY DISABLED, FROM POINTS IN THE COUNTIES OF BUCKS AND MONTGOMERY, AND THE CITY AND COUNTY OF PHILADELPHIA, TO POINTS IN PENNSYLVANIA, AND RETURN.

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