

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of His Loving Hand Home Care :
LLC for the right to begin to transport, as a : A-2024-3045516
common carrier, by motor vehicle, persons :
in paratransit service, between points in the :
Counties of Bucks, Chester, Delaware, and :
Montgomery, and the City and County of :
Philadelphia :

ORDER
DENYING MOTION TO DISMISS AND
TRANSFERRING UNCONTESTED APPLICATION TO THE
BUREAU OF TECHNICAL UTILITY SERVICES

On January 11, 2024, His Loving Hand Home Care LLC (His Loving Hand or Applicant) filed an Application with the Pennsylvania Public Utility Commission (Commission) requesting authority to provide paratransit service in Pennsylvania within Montgomery, Chester, Philadelphia, Delaware, and Bucks Counties (Application).

On January 24, 2024, the Commission issued a Secretarial Letter (January 2024 Secretarial Letter) notifying the Applicant of multiple issues with its Application that must be addressed before publication in the Pennsylvania Bulletin. On February 14, 2024, the Applicant filed responses to the January 2024 Secretarial Letter. On February 20, 2024, the Commission issued a Secretarial Letter (February 2024 Secretarial Letter) notifying His Loving Hand of multiple issues with its Application that were not resolved in the Applicant's February 14, 2024, response to the January 2024 Secretarial Letter. On February 29, 2024, His Loving Hand filed responses to the February 2024 Secretarial Letter. On March 1, 2024, the Commission issued the March 2024 Secretarial Letter dismissing the Application.

On March 11, 2024, His Loving Hand filed a Petition for Reconsideration from Staff Action (Petition for Reconsideration). On June 13, 2024, the Commission granted the Petition for Reconsideration.

On June 18, 2024, the Commission issued a Secretarial Letter (June 2024 Secretarial Letter) notifying His Loving Hand of an issue with its Application. On June 18, 2024, His Loving Hand filed a response to the June 2024 Secretarial Letter.

The Application was published in the Pennsylvania Bulletin on July 6, 2024, with a protest period deadline of July 22, 2024. A Joint Protest was filed by Bucks County Transport, Inc., Bux-Mont Transportation, Inc., Easton Coach Company, Suburban Transit Network, Inc., and Tri County Transit Service, Inc. (Joint Protestants), on July 22, 2024.

On August 8, 2024, a hearing notice was issued establishing an initial call-in hearing for this matter for Wednesday, October 16, 2024, at 10:00 a.m. and assigning me as the presiding officer. In anticipation of that hearing, a prehearing order was issued on August 9, 2024, setting forth various rules that would govern the hearing.

The initial hearing convened on October 16, 2024, as scheduled. Tanya C. Leshko, Esquire, appeared on behalf of Joint Protestants. The court reporter was also present. No one appeared on behalf of His Loving Hand. At the hearing, Counsel for Joint Protestants made an oral motion to dismiss the Formal Complaint. Tr. 5-6.

On November 11, 2024, Joint Protestants submitted a Restrictive Amendment between His Loving Hand and Joint Protestants. In its Restrictive Amendment, His Loving Hand and Joint Protestants agreed that the Application would be limited to:

For the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the counties of Chester, Delaware, and the City and County of Philadelphia, and from points in the counties of Chester, Delaware, and the City and County of Philadelphia to points in the counties of Bucks and Montgomery and return

As a result, Joint Protestants agreed to withdraw their Joint Protest, unless the Restrictive Amendment is rejected for any reason. The parties added that the Restrictive Amendment is in the public interest because it will allow His Loving Hand to provide paratransit service in a manner consistent with its operating objectives and will resolve the Joint Protest while avoiding the time and expense of further litigation.

Section 5.483 of the Commission's regulations provides presiding officers with the authority to regulate the course of proceedings. 52 Pa.Code § 5.483(a). Presiding officers are required to conduct fair and impartial hearings and maintain order. 52 Pa.Code § 5.485(a). Furthermore, the Commission's regulations are to be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding and the presiding officer may, at any stage, disregard an error or defect of procedure which does not affect the substantive rights of parties. 52 Pa.Code § 1.2(a). Although Joint Protestants made a motion to dismiss at the October 16, 2024, hearing which was not answered by His Loving Hand, I find it necessary to deny the motion since Joint Protestants have withdrawn their Joint Protest in light of the Restrictive Amendment.

The Commission's regulations also provide that if all protests filed have been withdrawn at or prior to the hearing, the Commission may consider the application without holding an oral hearing if it deems the facts are sufficient as in the application or as determined from additional information as the Commission may require. 52 Pa.Code § 3.381(c)(iii)(A). An application processed without oral hearing will be determined on the basis of verified statements submitted by the applicant and other interested parties. *Id.*

Therefore, since the Joint Protest filed in response to the Application has been withdrawn based on the Restrictive Amendment between His Loving Hand and Joint Protestants, there is no need for further action by the Office of Administrative Law Judge on this proceeding. The Application will be transferred to the Commission's Bureau of Technical Utility Services as an unprotested application for any further action.

A-2024-3045516 - APPLICATION OF HIS LOVING HAND HOME CARE LLC FOR THE RIGHT TO BEGIN TO TRANSPORT, AS A COMMON CARRIER, BY MOTOR VEHICLE, PERSONS IN PARATRANSIT SERVICE, BETWEEN POINTS IN THE COUNTIES OF BUCKS, CHESTER, DELAWARE, AND MONTGOMERY, AND THE CITY AND COUNTY OF PHILADELPHIA.

Revised: November 13, 2024

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