

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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Pennsylvania Public Utility Commission	:	
		Docket No. C-2024-3051152
Bureau of Investigation and Enforcement	:	A-632578
	:	
v.	:	
	:	
Good Cab, LLC		

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**PETITION FOR RECONSIDERATION FROM STAFF ACTION**

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TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Good Cab, LLC (“Good Cab”), by and through its undersigned counsel, and pursuant to the provisions of 52 Pa. Code §5.44 files this Petition for Reconsideration from Staff Action. Good Cab respectfully request that the Commission reconsider the Staff Action taken January 14, 2025 insofar as the Secretary issued a Cancellation of Good Cab’s Certificate of Public Convenience.

In support of this petition and the requested relief, Good Cab states as follows:

1. Good Cab was issued a certificate of public convenience to transport as a common carrier, by motor vehicle, persons in call or demand service on June 22, 2005 at PUC number A-632578.
  
2. On or about October 10, 2024, the Commission, via the Bureau of Investigation and Enforcement issued a formal complaint (C-2024-3051152) against Good Cab for several violation including:
  - a. Operating a vehicle with a mileage in excess of 350,000 in violation of 52 PA 29.314(c).
  
  - b. Operating a vehicle that moves on a level surface when parking brake is fully applied, in violation of 52 PA §29.402(1), 67 §175.64(c)(1).

- c. Operating a vehicle with a dent greater than 4” inches, in violation of 52 PA §29.403(6).
  - d. Operating a vehicle with an exhaust leak which entered the passenger compartment, in violation of 52 PA §29.402(1), 67 §175.75(b).
  - e. Operating a vehicle without log sheets in the vehicle, in violation of 52 PA §29.313(c).
  - f. Permitting a vehicle to be operated by a person with a felony conviction, in violation of 52 PA §505(b)(1)(i)(D).
  - g. Failure to provide criminal history in violation of 66 Pa.C.S 505.
  - h. Failure to provide driver records in violation of 66 Pa.C.S 505.
3. The Complaint requested that the Commission issue a fine to Good Cab in the amount of \$2,000.00 for the above referenced violation and order such other remedy that the Commission may deem appropriate.
  4. It is of note that the Complaint itself does not request the remedy of cancellation of Good Cab’s certificate of public convenience.
  5. It is believed and therefore averred that Good Cab was served with the Complaint on October 10, 2024.
  6. Upon receipt of the Complaint, Good Cab emailed a copy of the Complaint to undersigned counsel.
  7. Upon receipt, undersigned counsel contacted Good Cab to inquire what action the company desired to take as a result of the Complaint.
  8. Good Cab responded to Counsel by indicating that it wanted to “file and answer.”

9. It has been the past practice between undersigned Counsel and Good Cab to file answers to any and all complaint's received by the Commission.
10. In every circumstance except this one, an answer was timely filed to each and every complaint lodged against Good Cab by the Commission. See various docketed Complaints against Good Cab, LLC.
11. On this occasion, due to a miscommunication between Counsel and Good Cab, and answer was not filed.
12. The miscommunication was essentially that Counsel believed he was waiting on Good Cab's factual version to include in the complaint, and Good Cab believed that Counsel had already filed an answer.
13. As the Commission is aware, an answer was not filed.
14. On January 14, 2025, the Secretary issued a notice imposing a fine of \$2,000.00 and imposing cancellation of Good Cab's certificate of public convenience as a result of Good Cab's failure to respond to the complaint filed at C-2024-3051152.
15. On January 15, 2025, immediately upon receipt of the aforementioned notice, Good Cab paid the \$2,000.00 in recognition of its failure to respond.
16. While the notice attached to the Complaint does reference that a certificate could be cancelled, in this circumstance the Complaint did not request that relief.
17. In fact, the only relief requested in the Complaint filed at C-2024-3051152 was the imposition of a fine in the amount of \$2,000.00 with a generic demand for any other appropriate relief.

18. Pursuant to Commission regulations, failure to file an answer to a complaint “within the applicable period may be deemed in default, and relevant facts stated in the pleadings may be deemed admitted. 52 Pa.Code § 5.61
19. Here, it is not contested that Good Cab failed to file an answer within the applicable period.
20. As such, Good Cab’s failure to answer is and should be deemed an admission of the facts stated in the pleading.
21. Further, as the facts in the pleading are deemed to be admitted, Good Cab should be subject to default judgment as to the relief that was requested in the Complaint, namely a fine of \$2,000.00.
22. However, given that cancellation of Good Cab’s certificate was not expressly requested in the Complaint, such relief is not appropriate under the circumstances.
23. Pursuant to Commission regulation 52 Pa.Code § 5.22 every complaint, even those brought by the Commission, must contain a clear and concise statement of the relief sought.
24. Here, the relief sought by the Bureau of Investigation and Enforcement in its formal complaint (C-2024-3051152) against Good Cab was : “WHEREFORE, the Bureau of Investigation and Enforcement hereby requests that the Commission fine Good Cab, LLC, the amount of two thousand dollars (\$2000.00) for the illegal activity described in this Complaint and order such other remedy as the Commission may deem to be appropriate.
25. Nowhere in the Complaint does the Bureau of Investigation and Enforcement indicate that it is seeking the cancellation of Good Cab’s certificate for the violations it alleged.

26. Had a hearing been held in this matter, the presiding officer would have been limited in the relief he or she could have provided to the Bureau of Investigation and Enforcement by their request of a fine only.
27. Further, while the notice attached to the Complaint (See notice p. 5) indicates that a failure to respond could result in cancellation of the certificate, nowhere in the Commission's regulations does it provide that a remedy beyond that which is requested in the formal complaint can be imposed.
28. It is of note that the circumstances of this case are more typically found in the context of carriers who are issued a formal complaint due to their failure to maintain insurance as required by Commission regulations.
29. It is the Bureau of Investigation and Enforcement's standard practice, in the issuance of such a complaint, to specifically request as relief that the Commission can cancel the carrier's certificate absent compliance.
30. Inclusion of such a request to cancel is in accordance with Commission regulations specifically 52 Pa.Code § 5.22 referenced above.
31. Here, as previously noted, the Bureau of Investigation and Enforcement made no such request.
32. Essentially, the Secretary has exceeded her authority in cancelling Good Cab's certificate of public convenience under the circumstances here, where the Bureau of Investigation and Enforcement merely requested a fine as relief for the violations it alleged<sup>1</sup>.

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<sup>1</sup> Pursuant 52 Pa. Code § 5.61(c), a Respondent who fails to file an Answer within the twenty-day response period may be deemed in default, and the relevant facts stated in the Complaint may be deemed admitted. The Commonwealth Court has upheld the Commission's authority to sustain complaints that are not answered within twenty days and issue an Order imposing the penalties set forth in the Complaint. *See Fusaro v. Pa. PUC*, 382 A.2d 794, 797 (Pa. Cmwlth. 1978).

33. Additionally, Good Cab has been certificated since 2005 and has complied with all requests of the Commission.
34. It has timely answered all complaints and otherwise complied with all requirements of its certificate with exception of the matter at hand.
35. The cancellation of Good Cab's certificate as a result of a miscommunication seems to be an excessive penalty even if it were permitted by Commission regulations.

WHEREFORE, for all of the foregoing reasons, Good Cab, LLC respectfully requests that the Commission rescind the Cancellation Notice issued January 14, 2025 and reinstate Good Cab's certificate of public convenience. It is further requested, as Good Cab has paid the requested fine, that this matter be marked satisfied.

Respectfully submitted:

LAW OFFICES OF CORY A. LESHNER LLC

By: /s/ Cory A. Leshner

Cory A. Leshner, Esquire

ID # 310377

cal@coryleshner.com

Law Offices of Cory A. Leshner, LLC

100 N. 10<sup>th</sup> Street

Harrisburg, PA 17101

Attorney for Good Cab, LLC

Dated: February 1, 2025

**VERIFICATION**

I, Maher Saber, General Manager of Good Cab, LLC t hereby verify that the statements made in the foregoing *Petition* are true and correct to the best of my knowledge, information and belief. I understand that the statements in the foregoing document are made subject to the penalties of 18 Pa.C.S. §4909 relating to unsworn falsification to authorities.

02/01/2025

/s/ Maher Saber

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing Petition of Good Cab, LLC has been duly served upon the persons listed, by electronic mail, in accordance with the provisions of 52 Pa. Code §1.54:

Michael L. Swindler, Deputy Chief Prosecutor  
Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement  
Commonwealth Keystone Building  
400 North Street, 3<sup>rd</sup> Floor  
Harrisburg, PA 17120  
RA-PCCmplntResp@pa.gov

LAW OFFICES OF CORY A. LESHNER LLC

By: /s/ Cory A. Leshner