



**COMMONWEALTH OF PENNSYLVANIA**  
PENNSYLVANIA PUBLIC UTILITY COMMISSION  
COMMONWEALTH KEYSTONE BUILDING  
400 NORTH STREET  
HARRISBURG, PENNSYLVANIA 17120  
<http://www.puc.pa.gov>

**February 18, 2025**

**A-6227728**  
**A-2025-3053386**

**SAFEWAY COURIER & NEMT TRANSPORTATION SERVICES LLC**  
**6639 WALKER ST**  
**PHILADELPHIA PA 19135**

**RE: Application of Safeway Courier & NEMT Transportation Services, LLC, 6639 Walker St., Philadelphia, PA 19135. 267-320-6362**

To Whom It May Concern:

The purpose of this Letter is to advise you that your Application, Docket No. A-2025-3053386 has been **DENIED** by the Pennsylvania Public Utility Commission (Commission). The Commission has determined that a Certificate of Public Convenience **WILL NOT BE GRANTED** for the following reason(s):

- **Failure to establish fitness to operate:**

Applicant has submitted a request for contract carrier service. The applicant's sole member, Keith Custus, has previously applied for paratransit authority with the Commission at Docket No. A-2023-3043249.

In the previous application Mr. Custus was issued a 10-day data request which sought clarification on his policies and procedures related to employee hiring/retention and related to vehicle maintenance and safety. Mr. Custus failed to file a timely reply to the Commission data request and was denied for failure to establish fitness to operate.

Mr. Custus subsequently petitioned the Commission for relief from staff action which was granted. Following the granting of the petition, Mr. Custus was issued a second data request to illicit an appropriate policy for his hiring and retention standards. In each of these instances, Mr. Custus was provided with suitable guidance and reference statutes for him to review to ensure that his revised policies would be compliant with Commission requirements. Upon review of the applicant's response to the post-petition data request, it was again determined that the re-submitted policy was inadequate and had failed to comply with the requirements of 52 Pa Code § 29.504. This resulted in a second denial of the application.

Following the second denial of the application, Mr. Custus again petitioned the Commission for additional relief from staff action. In the Commission's Opinion and Order, dated August 22, 2024, the Commission denied the applicant's second petition

citing the applicant's failure to provide the requested revisions and his failure to demonstrate the requisite technical expertise. *See*, Opinion and Order at 14-16.

In the present application of Mr. Custus, as the sole member and presenter of facts of Safeway Courier & NEMT Transportation Services, LLC, the applicant has again failed to present an acceptable hiring and retention policy for its employees which complies with the requirements of 52 Pa Code §§ 29.503-505.

In addition to its inadequate hiring and retention policies, review of the applicant's financial balance sheet, dated January 4, 2025, demonstrates a lack of cash liquidity. The applicant attests to a cash balance of \$3,000, which the Commission believes to be inadequate when considered against the lack of pre-paid insurance and the applicant's intention to utilize an 8-year-old vehicle which is approaching 100,000 miles on the odometer.

**For these reasons the application is DISMISSED and DENIED**

### **APPEAL RIGHTS**

**ALL Parties to proceedings pending before the Commission must open and use an e-filing account through the Commission's website, OR you may submit your filing by overnight delivery. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery.**

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

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).*

*(Applicant is not now engaged in intrastate transportation of property or passengers for compensation in this Commonwealth except as authorized by the Pennsylvania Public Utility Commission certificate or permit, and will not engage in the transportation for which approval is herein sought, unless and until the transportation is authorized by your Honorable Commission.)*

*(SIGN AND DATE)*

**CONCLUSION**

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

Sincerely,

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is written in a cursive style with a large initial "R".

Rosemary Chiavetta  
Secretary