

**PENNSYLVANIA  
PUBLIC UTILITY COMMISSION  
Harrisburg, PA 17120**

Public Meeting held March 13, 2025

Commissioners Present:

Stephen M. DeFrank, Chairman  
Kimberly Barrow, Vice Chair  
Kathryn L. Zerfuss  
John F. Coleman, Jr.  
Ralph V. Yanora

Pennsylvania Public Utility Commission  
Bureau of Investigation and Enforcement

C-2024-3051152  
A-6312578

v.

Good Cab, LLC

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Reconsideration from Staff Action (Petition), filed on February 3, 2025, by Good Cab, LLC (Good Cab), relative to the above-captioned proceeding.

The Petition requests reconsideration of the Commission's Secretarial Cancellation Notice/Letter dated January 14, 2025 (*January 2025 Secretarial Cancellation Notice*) asserting the findings of the Commission's Bureau of Investigation

and Enforcement (I&E) officers and canceling the certificate of public convenience of Good Cab for failure to uphold the Regulations adopted by the Commission, specifically 52 Pa. Code § 29.314(c), 52 Pa. Code § 29.402(1), 67 Pa. Code § 175.64(c)(1), 52 Pa. Code § 29.403(1), 67 Pa. Code § 175.75(b), 52 Pa. Code § 29.313(c), 52 Pa. Code § 29.505(b)(1)(i)(D), 66 Pa.C.S. § 505.

No Answer to the Petition has been filed.

Upon review, based upon the reasons set forth herein, we shall grant the Petition, rescind the *January 2025 Secretarial Cancellation Notice*, and refer this matter to the Commission's Bureau of Technical Utility Services (TUS) for such further action as may be deemed necessary, consistent with this Opinion and Order.

### **I. History of the Proceeding**

Good Cab was issued a Certificate of Public Convenience as a common carrier by motor vehicle of persons in call or demand service on June 22, 2005.

Complaint at 1.

On October 10, 2024, Good Cab was informed via Secretarial Letter that a Complaint had been filed by I&E against Good Cab for various failures to comply with the law including: (1) that the vehicle age was greater than 12 years old with mileage that exceeds 350,000 (52 Pa. Code §29.314(c)); (2) that the vehicle moves on a level surface when the parking brake is fully applied (52 Pa. Code § 29.402(1), 67 Pa. Code§ 175.64(c)(1)); (3) that vehicle has a dent that is greater than 4" inches (52 Pa. Code § 29.403(6)); (4) that the vehicle had exhaust leaks into the rear passenger compartment when accelerating (52 Pa. Code § 29.402(1), 67 § 175.75(b)); (5) the lack of log sheets within the vehicle (52 Pa. Code § 29.313(c)); (6) that a driver was convicted of a felony (52 Pa. Code § 505(b)(1)(i)(D)); (7) that Good Cab failed to provide a

criminal history (66 Pa.C.S § 505); (8) that Good Cab failed to provide driver records (66 Pa.C.S § 505). Complaint at 1-2; *January 2025 Secretarial Cancellation Notice* at 1-2. Due to these violations, I&E assessed Good Cab with a fine totaling two thousand dollars (\$2,000). Good Cab was also notified that it is required to either file an answer within twenty (20) days of the service of the Complaint, providing factual and legal arguments, or to not contest the determination and pay the imposed fine. Complaint at 3.

On January 14, 2025, the Commission issued the *January 2025 Secretarial Cancellation Notice*. Therein, the Commission notified Good Cab that because of its failure to comply with I&E's Complaint regarding, *inter alia*, the requirement to either file an answer or to pay the fine within the twenty (20) days of the Complaint, the Commission was, *inter alia*, cancelling Good Cab's Certificate of Public Convenience. Good Cab was also instructed that due to its failure to pay the fine, the Commission was notifying the Pennsylvania Department of Transportation to institute an administrative hold on any new or existing vehicle registrations until the unpaid fines or assessments are addressed. Lastly, Good Cab was instructed to cease and desist from further violating the Public Utility Code (Code), 66 Pa.C.S. §§ 1.1, *et seq.* and the Commission's Regulations, 52 Pa. Code §§ 1.1 *et seq.* *January 2025 Secretarial Cancellation Notice* at 2.

Good Cab was also notified that if it disagreed with this determination, it may file a Petition for Reconsideration from Staff Action within twenty (20) days of the date of the *January 2025 Secretarial Cancellation Notice*. The Commission outlined instructions regarding the form and content of such a Petition, including references to the inclusion of relevant documentation and verification with an original signature, as set forth in 52 Pa. Code §§ 1.31 and 5.44. Further, the Commission provided Good Cab with a sample verification statement. *January 2025 Secretarial Cancellation Notice* at 2-3.

## II. Discussion

### A. Legal Standards

Petitions for Reconsideration from Staff Action are governed by the Commission's Rules of Administrative Practice and Procedure at 52 Pa. Code § 5.44(a), which provides the following:

Actions taken by staff, other than a presiding officer, under authority delegated by the Commission, will be deemed to be the final action of the Commission unless reconsideration is sought from the Commission within 20 days after service of notice of the action, unless a different time period is specified in this chapter or in the act.

52 Pa. Code § 5.44(a).

Courts have held that “[a] litigant’s burden of proof before administrative tribunals as well as before most civil proceedings is satisfied by establishing a preponderance of evidence which is substantial and legally credible.” *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990). Additionally, Section 332(a) of the Public Utility Code, 66 Pa.C.S. § 332(a), provides that the party seeking a rule or order from the Commission has the burden of proof in that proceeding.

In this proceeding, Good Cab is the party seeking affirmative relief from the Commission. Therefore, Good Cab 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 (Opinion and Order entered November 5, 2015), *citing, Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950).

The Commission's Regulations, at 52 Pa. Code §§ 3.381-85, and the Commission's Policy Statement, at 52 Pa. Code § 41.14, establish the evidentiary guidelines and criteria to be examined by the Commission when considering whether to grant or deny an application for passenger carrier authority.

The Commission's Policy Statement at 52 Pa. Code § 41.14 provides as follows:

§ 41.14. Evidentiary criteria used to decide motor common carrier applications – statement of policy.

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 request.
- (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 an 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 crime of moral turpitude and remains subject to supervision by a court or correctional institution.

52 Pa. Code § 41.14.<sup>1</sup>

## **B. Petition**

In its Petition, Good Cab asserts, *inter alia*, that: (1) there was a miscommunication with its counsel that caused its failure to file an Answer; (2) on January 15, 2025, Good Cab paid the imposed \$2,000 civil penalty in recognition of its failure to respond; (3) that the Commission did not explicitly state that the cancellation of Good Cab's Certificate of Public Convenience was requested in the Complaint and that the relief was not appropriate under the circumstances, citing Commission Regulation at 52 Pa. Code § 5.22; (4) if there was a hearing regarding the referenced matter, the presiding officer would have limited the relief to the I&E fine, only citing that there is no reference in the Commission Regulations; (5) the Commission's Secretary has exceeded her authority in canceling the certificate of Good Cab when the only requested relief from I&E was the imposition of a \$2,000 fine; and (6) the cancellation of a Certificate of Public Convenience is usually only done in the case of formal complaints filed for failure

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<sup>1</sup> By Final Policy Statement, entered December 7, 2017, at Docket No. M-2017-2629722, the Commission modified the Policy Statement at 52 Pa. Code § 41.14 by eliminating prior subsections (a) and (c) to be consistent with the amended Regulations in the Final Rulemaking Order. The Final Policy Statement maintained the language of prior subsection (b), which delineates the factors to be considered and examined in determining an applicant's technical and financial fitness. The Final Policy Statement became effective upon publication in the *Pennsylvania Bulletin* on February 10, 2018, at 48 *Pa.B.* 882.

to maintain insurance. Good Cab also cites the Commission's Regulations, specifically 52 Pa. Code § 5.22, to state that because the initial Complaint did not mention pursuing the cancellation of its Certificate of Public Convenience, it is deemed an exceeding measure by the Secretary. Petition 1-6.

### **C. Disposition**

In considering the Petition, we note that any issue not specifically addressed shall be deemed duly considered and denied without further discussion. It is well settled that we are not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

After consideration of the Petition, the record, and filings in this matter, we conclude that Good Cab paid the fine of \$2,000 in a timely manner, and we shall grant the Petition.

We note that the Commission's case management system indicates that the Commission's Complaint was served on October 10, 2024 and, in the attached notice, Good Cab was instructed that it could file an answer within twenty (20) days, or that it may elect to not contest the Complaint by paying the proposed fine. The Notice also stated, *inter alia*, that the Commission could impose a penalty that could include, in addition to the fine, the suspension or revocation of the Certificate of Public Convenience or other remedy. *See* Complaint at 5. The Commission's records show that Good Cab paid the fine of \$2,000, in full, on January 15, 2025. However, on January 14, 2025, the Commission issued its *January 2025 Secretarial Cancellation Notice*. Although Good Cab paid the fine after the twenty (20) day period, payment was received within one day after the issuance of the cancellation notice. Thus, given Good Cab's payment in full of

the fine, we shall grant the Petition, rescind the *January 2025 Secretarial Cancellation Notice*, and refer this matter to TUS for such further action as may be warranted, consistent with Opinion and Order.

### **III. Conclusion**

For the reasons discussed herein, we will grant the Petition, rescind the *January 2025 Secretarial Cancellation Notice*, and refer this matter to TUS for such further action as may be warranted, consistent with this Opinion and Order;

**THEREFORE,**

#### **IT IS ORDERED:**

1. That the Petition for Reconsideration from Staff Action filed by Good Cab, LLC on February 3, 2025, at Docket No. C-2024-3051152 is granted, consistent with this Opinion and Order.

2. That the Secretarial Cancellation Notice issued on January 14, 2025, at Docket No. C-2024-3051152, is rescinded, consistent with this Opinion and Order.

3. That this matter is referred to the Commission's Bureau of Technical Utility Services for such further action as may be deemed necessary, consistent with this Opinion and Order.

**BY THE COMMISSION,**

A handwritten signature in black ink, appearing to read "Rosemary Chiavetta". The signature is fluid and cursive, with the first letter of each name being significantly larger and more stylized.

Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: March 13, 2025

ORDER ENTERED: March 13, 2025