

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

Public Meeting held May 22, 2025

Commissioners Present:

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

Application of Safeway Courier &  
NEMT Transportation Services LLC

A-2025-3053386  
A-6227728

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition to withdraw a previously filed Petition for Reconsideration from Staff Action (Petition),<sup>1</sup> filed on April 25, 2025, by Safeway Courier, relative to the above-captioned proceeding.

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<sup>1</sup> The Petition was filed in the form of a letter by the sole member of Safeway Courier & NEMT Transportation Services LLC (Applicant, Safeway Courier, or Petitioner), Mr. Keith Custus, requesting the withdrawal of the Petition for Reconsideration from Staff Action (Petition for Reconsideration), previously filed by Safeway Courier, which challenged the action taken in the Commission's Secretarial Letter dated February 18, 2025 (*February 2025 Secretarial Letter*). Therein, the Commission denied and dismissed Safeway Courier's Application for Motor Contract Carrier of Persons (Application) for failure of the Applicant to establish fitness to operate

In its Petition, Safeway Courier explains that the Applicant wishes to withdraw its Petition for Reconsideration so that it can move forward with a new Application for Motor Contract Carrier of Persons with the Commission, now pending at Docket No. A-2025-3054554 (New Application). No objections to the Petition have been filed. For the reasons set forth herein, we shall grant the Petition, consistent with this Opinion and Order.

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

On February 5, 2025,<sup>2</sup> Safeway Courier filed its Application with the Commission at Docket No. A-2025-3053386. Application at 1-9.

Also on February 5, 2025, the Commission issued a Secretarial Letter (*Deficiency Letter*) informing Safeway Courier that the Application was deficient. The *Deficiency Letter* served to: (1) identify information that was missing from the Application; (2) establish a twenty (20) day period for the Applicant to correct the deficiencies; and (3) indicate that the Application would be returned as unfiled if the Applicant did not cure the deficiencies within the prescribed period.

On February 12, 2025, Safeway Courier filed a corrected Application with the Commission. Application at 1-9.

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in the Commonwealth. We note that, as indicated, *infra*, Mr. Custus listed an incorrect docket number in the caption of the Petition.

<sup>2</sup> Although the Application was dated January 4, 2025, the Commission did not receive it until February 5, 2025. Consistent with our Regulation at 52 Pa. Code § 1.11, *Date of filing*, the filing dates for each document referenced in this Opinion and Order represent the date that each of those documents was received by the Commission's Secretary's Bureau. 52 Pa. Code § 1.11(a)(1).

On February 18, 2025, the Commission issued the *February 2025 Secretarial Letter* notifying Safeway Courier that its Application would be denied. Specifically, the Commission determined that a Certificate of Public Convenience would not be granted because the Application failed to establish Safeway Courier's fitness to operate.

On February 21, 2025, Safeway Courier filed its Petition for Reconsideration.

On April 11, 2025, while its Petition for Reconsideration remained pending at the instant docket, Safeway Courier filed the New Application.

On April 25, 2025, Safeway Courier filed the instant Petition. No objections to the Petition have been filed.

## **II. Discussion**

### **A. Legal Standards**

#### **1. Petitions to Withdraw an Uncontested Pleading**

The Commission's Regulations prescribe a process for parties seeking to withdraw pleadings in uncontested matters or proceedings before a final decision by the Commission has been issued. More specifically, Section 1.82 of the Commission's Regulations, 52 Pa. Code § 1.82, in relevant part, provides:

- (a) A party that desires to terminate an uncontested matter or proceeding before final decision by the Commission or otherwise desires to withdraw a submittal or pleading, shall file a petition for leave to withdraw the

appropriate document. If no party objects to the petition within 10 days of service, the matter may be stricken by the Commission or by the presiding officer. If upon review the presiding officer or the Commission determines that the public interest requires continuation of the proceedings, the petition will be denied and the staff may be directed to participate.

52 Pa. Code § 1.82(a).

## **B. Petition**

Safeway Courier’s Petition consists of a one (1) page letter indicating Safeway Courier’s request to “withdraw my Petition [for Reconsideration] for PUC case A-2025-3053386 so that I can move forward with my new Application that I have submitted.” Petition at 1.<sup>3</sup> Additionally, the Petition includes a handwritten verification statement signed by Keith Custus on behalf of Safeway Courier. Petition at 2.

## **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).

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<sup>3</sup> Although Safeway Courier, in its Petition, seeks to withdraw the pending Petition for Reconsideration at Docket No. 2025-3053386, the caption of the Petition indicated the docket number associated with the pending New Application of Safeway Courier at Docket No. A-2025-3054554.

Based on our review of the instant Petition, it appears that while Safeway Courier's Petition for Reconsideration was pending, Safeway Courier determined to file the New Application. As Safeway Courier has filed the New Application, which is now pending at Docket No. A-2025-3054554, wherein it appears to seek substantially similar permission to operate as that sought in the Application at the present docket, it appears that granting the Petition is necessary to prevent the duplication of proceedings. Moreover, granting the Petition is in the public interest because it will ensure that neither Safeway Courier nor the Commission waste further resources in disposing of the Application at this docket while Safeway Courier actively seeks permission to operate as a motor contract carrier of persons in another pending proceeding.

Therefore, without taking a position on the merits of the New Application pending at Docket No. A-2025-3054554, and as related solely to matters pending at the present docket, we shall grant the Petition, consistent with this Opinion and Order.

### **III. Conclusion**


For the reasons discussed herein, we will grant the Petition to withdraw the previously filed Petition for Reconsideration, consistent with this Opinion and Order;  
**THEREFORE,**

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

1. That the Petition to withdraw the previously filed Petition for Reconsideration from Staff Action, filed by Safeway Courier & NEMT Transportation Services LLC on April 25, 2025, at Docket No. A-2025-3053386, is granted, consistent with this Opinion and Order.

2. That this proceeding be marked as closed.

**BY THE COMMISSION,**



Matthew L. Homsher  
Secretary

(SEAL)

ORDER ADOPTED: May 22, 2025

ORDER ENTERED: May 22, 2025