

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

Public Meeting held June 5, 2025

Commissioners Present:

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

Application of First Line EMS LLC

A-2024-3050588

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a Petition for Reconsideration (Petition) filed by Ms. Fadwa Robinson,<sup>1</sup> on behalf of First Line EMS LLC (Applicant or First Line), on February 19, 2025, relative to the above-captioned proceeding.<sup>2</sup> The Secretarial Letter to which the Petition refers was issued on February 12, 2025 (*February 2025*)

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<sup>1</sup> Fadwa Robinson is listed as the sole member and founder of First Line EMS LLC. Application at 2, 5, 7.

<sup>2</sup> The Commission received the instant Petition on February 18, 2025. However, the Applicant did not serve copies of the Petition upon the Parties of Record and did not include a Certificate of Service. Accordingly, on February 19, 2025, the Commission's Secretary's Bureau electronically served the Petition upon the Parties of Record.

*Secretarial Letter*).<sup>3</sup> No Answer to the Petition has been filed. For the reasons that follow, we will grant the Petition, conditionally rescind the *February 2025 Secretarial Letter*, 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 Proceeding

On August 6, 2024, First Line filed an Application with the Commission seeking approval for the right to operate as a common carrier, by motor vehicle, of persons in paratransit service between points in the counties of Bucks, Chester, Delaware, Montgomery and the City and County of Philadelphia. Application at 1, 3.

On August 9, 2024, TUS issued a Data Request, wherein it requested information regarding, *inter alia*, the following: (1) clarification regarding the Applicant’s relationship with Daily Dove Care, LLC and whether it will be providing service solely to clients of Daily Dove Care LLC; (2) that the Applicant provide fully responsive replies to Question No. 5 of the Applicant’s verified statement as to its plans to uphold the Commission’s policies set forth in 52 Pa. Code §§ 29.503-505 regarding driver age, driver history, and criminal history, including schedule and record retention; and (3) that the Applicant to provide a more detailed description of Applicant’s vehicle safety program. TUS Data Request at 1.

To further assist the Commission in determining the Applicant’s financial fitness and in verifying the accuracy of the Applicant’s presented balance sheet, TUS also

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<sup>3</sup> Because the instant Petition challenges the action taken in the *February 2025 Secretarial Letter* and was filed within twenty days of the issuance of the *February 2025 Secretarial Letter*, we shall regard the Petition as a Petition for Reconsideration from Staff Action pursuant to 52 Pa. Code § 5.44(a).

instructed the Applicant to provide a copy of a bank statement and notarized/official statements of account balances/ownership provided by bank officers. TUS further informed the Applicant that all claimed vehicles or land/buildings must also include proof of ownership/registration. TUS Data Request at 1-2.

On August 15, 2024, First Line filed its response to the TUS Data Request providing answers thereto.

On August 31, 2024, First Line's Application was published in the *Pennsylvania Bulletin*, which provided notice to the public of the Application to provide paratransit service. The notice provided the public with the opportunity to file protests to the Application by September 16, 2024. *See* 54 Pa.B. 5595 (August 31, 2024).

A Joint Protest was filed on September 16, 2024, against First Line's Application by Bucks County Transport, Inc., Bux-Mont Transportation, Easton Coach Company, Suburban Transit Network, Inc. and Tri County Transit Service, Inc. (collectively, the Protesting Parties).

The Application was assigned to Administrative Law Judge (ALJ) Arlene Ashton and a Call-In Telephone Hearing was scheduled for November 13, 2024.

On September 26, 2024, the ALJ issued a Prehearing Order setting forth instructions for the Call-In Telephone Hearing.

On October 15, 2024, First Line and the Protesting Parties jointly filed a Restrictive Amendment. With the Restrictive Amendment, the Protesting Parties agree to withdraw their Protest to the Application upon the Applicant agreeing to make changes to

its operational boundaries. Namely, the Restrictive Amendment revised the Applicant's proposed service territory, as follows:

1. The above-captioned Application is hereby amended to clearly identify and specify the territory requested so that the authority sought shall read as follows:

For approval to begin operating as a common carrier for transportation of persons in paratransit service, among and 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.

*See Restrictive Amendment at 1.*

On November 4, 2024, the hearing that was scheduled for November 13, 2024, was cancelled.

On December 2, 2024, ALJ Ashton issued an Order transferring the matter to TUS for its review and resolution.

On December 3, 2024, TUS issued a Secretarial Letter (*December 2024 Secretarial Letter*) indicating that the Application was conditionally approved and that a Certificate of Public Convenience would be issued upon First Line: (1) having its insurer file proof of insurance with the Commission; and (2) emailing a draft tariff to RA-PCTARIFFILING@pa.gov. In pertinent part, the *December 2024 Secretarial Letter* stated, as follows:

The purpose of this Letter is to advise you that your application has been reviewed and approved by the Pennsylvania Public Utility Commission (Commission). However, before you begin operations, you must file with the

Commission all of the information listed in paragraphs (a-b) below. **You cannot operate under the approved motor carrier rights set forth in this Letter until all of the information listed below is filed with, and approved by, the Commission.** Once the information listed below is received and approved by the Commission, you will receive a Certificate of Public Convenience, with **PUC No. A-6427337** which authorizes you to begin operating under the motor carrier rights set forth in this Letter.

- a. An acceptable **Form E** filed by an insurance company which is evidence of bodily injury and property damage liability insurance. **Your insurance company must file a Form E with the exact name of the applicant as it appears on this Letter – FIRST LINE EMS, LLC. You should also advise your insurance company to place the following number at the top of your insurance form: A-6427337. Insurance filings are accepted online via Tyler Insurance Filings at <http://www.tylerinsurancefilings.com/>.**
- b. Email **tariff draft** to: [RA-PCTARIFFFILING@pa.gov](mailto:RA-PCTARIFFFILING@pa.gov). DO NOT E-File unapproved tariffs. Call (717) 214-7155 for assistance.

*December 2024 Secretarial Letter* at 1.

Additionally, the *December 2024 Secretarial Letter* informed First Line that failure to comply with any provision of the letter within sixty (60) days of the date of the letter would result in the dismissal of the Application and require the filing of a new Application and filing fee. *December 2024 Secretarial Letter* at 1.

On December 20, 2024, First Line filed its Tariff Paratransit PA PUC No. 1. However, First Line's insurance company did not file an acceptable Form E as

evidence of bodily injury and property damage liability insurance, as required by the *December 2024 Secretarial Letter*.

On February 12, 2025, the Commission issued the *February 2025 Secretarial Letter* dismissing the Application for the Applicant's failure to cause its insurance company/agent to file evidence of bodily injury and property damage liability insurance (Form E) with the Commission. In pertinent part, the *February 2025 Secretarial Letter* stated, as follows:

More than sixty (60) days ago, you received a Commission Order/Secretarial Letter stating that the Pennsylvania Public Utility Commission approved your application for authority, conditioned upon your compliance with specific requirements within sixty (60) days. To date, you have not complied with one or more of the following requirements:

**Failed to have your insurance company file evidence of bodily injury and property damage liability insurance (Form E) with this Commission**

**DISPOSITION – DISMISSAL**

Since this Commission has not received all of the requirements listed in your Order/Letter within sixty (60) days, **YOUR APPLICATION IS HEREBY DISMISSED** for non-compliance. **YOU MAY NOT OPERATE.** A CERTIFICATE WILL NOT BE ISSUED.

*February 2025 Secretarial Letter* at 1.

Additionally, the *February 2025 Secretarial Letter* informed First Line that, if it disagreed with the Commission's determination, it could submit a Petition for Reconsideration from Staff Action with the Commission's Secretary within twenty (20) days of the date of the *February 2025 Secretarial Letter*. TUS 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, TUS provided the Applicant with a sample verification statement. *February 2025 Secretarial Letter* at 1-2.

On *February* 19, 2025, First Line timely filed the instant Petition in response to the *February 2025 Secretarial Letter*. No response to the Petition has been filed.

## **II. Discussion**

### **A. Legal Standards**

Before us is a Petition for Reconsideration from Staff Action, pursuant to 52 Pa. Code § 5.44(a). Petitions for Reconsideration from Staff Action are governed by Section 5.44(a) of the Commission’s Rules of Administrative Practice and Procedure, 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).

In considering the appeal from Staff Action, the Application and compliance with Commission Regulations, Section 332(a) of the Public Utility Code (Code), 66 Pa. C.S. § 332(a), provides that the party seeking affirmative relief from the Commission has the burden of proof. In this proceeding, the Applicant is the party

seeking affirmative relief from the Commission. Therefore, the Applicant 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*, 364 Pa. 45, 70 A.2d 854 (1950)).

In *Se-Ling Hosiery v. Margulies, supra*, the Pennsylvania Supreme Court held that the term “burden of proof” means a duty to establish a fact by a preponderance of the evidence. The term “preponderance of the evidence” means that one party has presented evidence that is more convincing, by even the slightest degree, than the evidence presented by the opposing party. Additionally, the Commission must ensure that the decision is supported by substantial evidence in the record. The Pennsylvania appellate courts have defined substantial evidence to mean such relevant evidence that a reasonable mind may accept as adequate to support a conclusion; more is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Application of 610 Hauling, LLC, t/a College Hunks Hauling Junk, supra*, citing *Norfolk & Western Railway Co. v. Pa. PUC*, 489 Pa. 109, 413 A.2d 1037 (1980); *Murphy v. Pa. Dept. of Public Welfare, White Haven Center*, 480 A.2d 382 (Pa. Cmwlth. 1984).

Additionally, pursuant to Section 1103(a) of the Code, 66 Pa.C.S. § 1103(a), an application for a certificate of public convenience should be granted only if the Commission finds that “the granting of such certificate is necessary or proper for the service, accommodation, convenience or safety of the public.” In order to make these determinations, 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 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 requested.
- (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 the 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 or crime of moral turpitude and remains subject to supervision by a court or correctional institution.

52 Pa. Code § 41.14.<sup>4</sup>

## **B. Petition**

In the Petition, Ms. Robinson, on behalf of the Applicant, insists that First Line has the requisite insurance coverage, but that its insurer is unable to perform the task of filing Form E with the Commission. Ms. Robinson also states that First Line's insurance agent (Agent) is looking into switching insurers who can provide the requisite Form E to submit to the Commission. Accordingly, the Applicant requests reconsideration of the *February 2025 Secretarial Letter* and the dismissal of First Line's Application. Petition at 1.

The Applicant attached to its Petition, *inter alia*, Appendix B, which is a letter from its Agent, Gannon Risk Group, that indicates that First Line currently maintains auto liability coverage for \$1,000,000, issued through the National Indemnity Company. The letter also states that the Agent is actively working to secure replacement coverage with a carrier that can file the necessary Form E with the Commission, and that the Agent anticipates finalizing the process "within the next week." The Agent

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<sup>4</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. Notably, the Final Policy Statement maintained the language of prior subsection (b), related to the factors to be examined in determining an applicant's technical and financial fitness and propensity to operate safely and legally. The Final Policy Statement became effective upon publication in the *Pennsylvania Bulletin* on February 10, 2018, at 48 Pa. B. 882.

represents that, once coverage is bound, Form E will be submitted to the Commission immediately. Petition, Appendix B.

### **C. Disposition**

In considering this Petition, we are not required to consider, expressly or at length, each and every contention raised by a party to our proceedings. *University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984). Any argument that is not specifically addressed herein shall be deemed to have been duly considered and denied without further discussion.

Based on our review of the Applicant's Petition and the associated case documents, we will grant the Petition. Our Regulation at 52 Pa. Code § 1.15(a)(1), gives us authority to extend a deadline, after the deadline has passed, where reasonable grounds are shown for the failure to act. On review of the Petition, we find that the Applicant has shown reasonable grounds upon which to grant reconsideration. Under the circumstances of the instant case, rather than dismissing the conditional approval of the First Line Application, we deem it is reasonable to extend the deadline to have its insurance company/agent file evidence of bodily injury and property damage liability insurance (Form E) within thirty (30) days of the entry of this Opinion and Order. *See Application of Woodrow Cothran, Jr., t/a Moving Others Around Safely*, Docket No. A-2019-3011840 (Opinion and Order entered April 30, 2020).

As noted, the Applicant appears to have proof of insurance. However, the Applicant represents that its insurance carrier is not able to make the necessary filing of insurance (Form E) with the Commission. The averments raised by the Applicant in its Petition indicate that First Line has taken action to remedy the error identified by TUS in the *February 2025 Secretarial Letter* dismissing the Application. Namely, the Applicant states in its Petition that it is looking into switching insurers who can provide the

requisite Form E to submit to the Commission and has provided additional proof of this effort in Appendix B to the Petition. Therefore, we find that an outright denial of the Application is not warranted at this time.

We note that some insurance companies may not participate in the electronic filing system, as that is up to the company. Given that the Applicant has attempted to comply with the directives of TUS in the *December 2024 Secretarial Letter* conditionally approving the Application, but might have selected a non-participating insurance company, we will afford the Applicant with an additional thirty (30) days from the date of entry of this Opinion and Order to find an insurance company that can and does file the appropriate insurance information with the Commission.

We also will remind the Applicant that the Commission has long held that while we recognize that the carrier/applicant does not have direct control over these filings and must, in large measure, rely on the representations made by the insurance agent/broker that the matter is being handled in a timely and accurate way, it is the carrier, as the regulated entity, that remains ultimately responsible for adherence to the requirements of the Code and the Commission's Regulations and, therefore, must take every step necessary to assure that the filing will be made in a timely manner. *See e.g., Pennsylvania Public Utility Commission Bureau of Investigation and Enforcement; v. Phillip J. and John M. Mertz, t/a Mertz's*, Docket No. C-2021-3024313, (Opinion and Order entered November 18, 2021); *Pa. PUC, Bureau of Transportation and Safety v. Stephan & Son Trucking, Inc.*, Docket No. C-2011-2237981 (Order entered September 23, 2011) (though the failure to file evidence of insurance was the admitted fault of the agent, the agent's requested waiver of the fine was denied as the certificate holder is ultimately responsible, and no grounds were presented to overturn the conclusions of the Secretarial Letter); *Pa. PUC, Bureau of Transportation and Safety v. Cheryl Wilson*, Docket No. C-2010-2165302 (Order entered February 25, 2011) (*Wilson*) (while the carrier's insurer ultimately filed untimely evidence of insurance, the

certificated carrier remains the responsible party and the facts presented indicated that the carrier twice ignored advice from PUC staff to heed the complaint). Therefore, we will conditionally rescind the *February 2025 Secretarial Letter*, pending compliance consistent with this Opinion and Order.

Accordingly, we will grant the Petition and provide First Line thirty (30) days to either have its insurance provider file proof of insurance in accordance with our Regulations or to find a provider who will comply with the Commission's requirements. Failure to comply with this Opinion and Order will result in the *February 2025 Secretarial Letter* remaining in effect and being the final action of the Commission.

### **III. Conclusion**

For the reasons discussed herein, we will: (1) grant the Petition; (2) conditionally rescind the *February 2025 Secretarial Letter*; and (3) refer this matter to TUS for such further action as may be deemed warranted, consistent with this Opinion and Order; **THEREFORE,**

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

1. That the Petition for Reconsideration from Staff Action, filed by First Line EMS LLC, on February 19, 2025, at Docket No. A-2024-3050588, is granted, consistent with this Opinion and Order.


2. That First Line EMS LLC must obtain insurance coverage within thirty (30) days of this Opinion and Order and cause its insurance agent/broker to file electronically evidence of bodily injury and property damage liability insurance (Form E), with the Commission.

3. That upon the compliance and completion of Ordering Paragraph No. 2 above, the Secretarial Letter issued on February 12, 2025, at Docket No. A-2024-3050588, will be rescinded.

4. That this matter is referred to the Commission's Bureau of Technical Utility Services for such further action as may be warranted.

5. That if First Line EMS LLC fails to comply with Ordering Paragraph No. 2 above, the Secretarial Letter issued on February 12, 2025, at Docket No. A-2024-3050588, shall be the Commission's final action in this proceeding.

**BY THE COMMISSION,**



Matthew L. Homsher  
Secretary

(SEAL)

ORDER ADOPTED: June 5, 2025

ORDER ENTERED: June 5, 2025