

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	C-2022-3029070
	:	
Best Taxi LLC	:	

Pennsylvania Public Utility Commission,	:	
Bureau of Investigation and Enforcement	:	
	:	
v.	:	C-2022-3029079
	:	
Good Cab LLC	:	

INITIAL DECISION

Before
Gail M. Chiodo
Deputy Chief Administrative Law Judge

INTRODUCTION

In these consolidated matters, this decision rejects the taxicab companies’ constitutional challenge to the regulation of the Pennsylvania Public Utility Commission (Commission or PUC) at 52 Pa. Code § 29.505(b)(1) (relating to the criminal history of employees). This decision sustains the Complaints brought by the Commission’s Bureau of Investigation and Enforcement (I&E) and imposes civil fines on the utilities consistent with the Commission’s regulations for the violations at issue.

HISTORY OF THE PROCEEDING

Pre-consolidation

On February 9, 2022, I&E filed a Formal Complaint (Complaint) against Best Taxi LLC (Best Taxi or Respondent) alleging that, as a result of an inspection by PUC Enforcement Officers of Respondent's vehicle and driver records on October 6, 2021, that Best Taxi committed the following two violations:

- (1) allowed one driver to operate a taxicab who is disqualified due to being convicted of a felony or misdemeanor relating to the suitability of the driver to provide safe and legal service in violation of 52 Pa. Code § 29.505(b)(1); and
- (2) failed to require the driver to maintain log sheets for all trips, in violation of 52 Pa. Code § 29.313(c).

For the first offense, I&E seeks a fine of \$1,000; and for the second offense, a fine of \$50. These proposed fines total \$1,050. The prosecution against Best Taxi is docketed at No. C-2022-3029070 (*Best Taxi*).

On February 14, 2022, I&E filed a Formal Complaint (Complaint) against Good Cab, LLC (Good Cab or Respondent) alleging that, as a result of an inspection by PUC Enforcement Officers of Respondent's vehicle and driver records on October 7, 2021, that Good Cab committed the following three violations:

- (1) failed to obtain and review the criminal histories of three employee drivers prior to allowing the employees to operate the company's vehicles, in violation of 52 Pa. Code § 29.505(b)(1);
- (2) allowed one employee driver to operate who was disqualified due to being convicted of a felony or

misdemeanor relating to the suitability of the driver to provide safe and legal service, in violation of 52 Pa. Code § 29.505(b)(1); and

(3) failed to require the employee drivers to maintain log sheets for all trips, in violation of 52 Pa. Code § 29.313(c).

For the first offense, I&E seeks a fine of \$250 per violation for each of the three employees totaling \$750; for the second offense, a fine of \$1,000; and for the third offense, a fine of \$50. These proposed fines total \$1,800. The prosecution against Good Cab was docketed at No. C-2022-3029079 (*Good Cab*).

On March 4, 2022, Best Taxi and Good Cab (collectively Respondents or Companies) filed Answers through their same counsel, Cory A. Leshner, Esquire. In both Answers, Respondents denied the material allegations in their respective Complaint. Alternatively, the Companies asked that the Commission grant them leniency and reduce the requested fine amount as the PUC may deem appropriate under the circumstances.

In *Best Taxi*, on May 4, 2022, a Hearing Notice was issued scheduling a hearing for June 14, 2022, and Administrative Law Judge (ALJ) Elizabeth H. Barnes was assigned as the presiding officer. On May 11, 2022, the hearing was rescheduled for July 19, 2022. On June 15, 2022, a Judge Change Notice was issued reassigning *Best Taxi* to ALJ Dennis J. Buckley and the July 19, 2022, hearing date remained the same.

In *Good Cab*, on May 5, 2022, a Hearing Notice was issued scheduling a hearing for June 21, 2022, and the undersigned ALJ was assigned as the presiding officer.

Good Cab Hearing

On June 21, 2022, a hearing was held before the undersigned ALJ. Good Cab was represented by Attorney Leshner and I&E was represented by Alphonso Arnold,

III, Esquire.¹ During the hearing, I&E presented the testimony of Travis Griffith, an Enforcement Officer in the PUC's Motor Carrier Division. Officer Griffith sponsored six exhibits which were admitted into the record. They are:

- I&E Exhibit 1. Inspection Report
- I&E Exhibit 2. Officer Report
- I&E Exhibit 3. Vehicle / Driver Report
- I&E Exhibit 4. Court Summary, employee Hickman
- I&E Exhibit 5. Criminal Docket, employee Hickman
- I&E Exhibit 6. Criminal Docket, employee Hickman

Following the prosecution's case, counsel for Best Taxi made an opening statement during which the Company raised for the first time that Section 29.505(b)(1) of the Commission Regulations, 52 Pa. Code § 29.505(b)(1) (relating to the criminal history of employees), is unconstitutional. Tr. 6/21/2022, at 50-51. During the hearing, Respondent presented the testimony of Maher Saber Ahmed, owner and operating manager of Good Cab. Respondent did not offer any exhibits for the record.

At the conclusion of the hearing, Attorney Leshner requested the opportunity to file a brief on the issue Respondent raised during the hearing – namely, whether 52 Pa. Code § 29.505(b)(1) violates the Pennsylvania Constitution. I granted this request over no objection from I&E. Tr. 6/21/2022, at 79.

The day following the hearing, on June 22, 2022, I memorialized the results of the briefing discussion and issued a Briefing Order allowing Good Cab to file a main brief within thirty days after the hearing transcript was filed. I&E was given until thirty days after service of Respondent's main brief to file a reply brief.

¹ Attorney Arnold withdrew his appearance from the *Good Cab* and *Best Taxi* matters on July 12, 2023, due to his appointment as an ALJ with the PUC. I did not consult ALJ Arnold in the disposition of this matter and ALJ Arnold did not participate in any manner in the disposition of this matters.

On July 1, 2022, before the hearing transcript was filed, I issued an Order scheduling a conference with the parties for the sole purpose of allowing I&E the opportunity to submit certified, official copies of the criminal convictions of Good Cab's employee at issue, since its exhibits relating to such (I&E Exhibits 4, 5, and 6) were docket summaries obtained from the website of the Administrative Office of Pennsylvania Courts. This Order also stated that the parties may stipulate to the criminal convictions since the convictions themselves were not contested by Good Cab. The parties later did enter such stipulation, as explained below.

Best Taxi Hearing

On July 19, 2022, the *Best Taxi* hearing convened as scheduled before ALJ Buckley. Best Taxi was represented by Attorney Leshner and I&E was represented by Attorney Arnold. Prior to the hearing, the parties jointly requested the consolidation of the *Best Taxi* and *Good Cab* matters. Tr. 7/19/2022 at 6-7. Attorney Leshner explained during this hearing that in the *Best Taxi* matter, Respondent intended to raise the same issue that was raised in the *Good Cab* matter which is whether Section 29.505(b)(1) of the Commission's Regulation was constitutional. Attorney Leshner also explained that both Respondents, Good Cab and Best Taxi, are owned by the same individual and he represented both Companies.

ALJ Buckley, in consultation with the undersigned, agreed to consolidate these matters. We found that doing so was in the public interest as it would promote the efficient use of the time and resources of the parties and the Commission, as they raised common issues of law and fact.

In light of the agreement to consolidate these matters, on July 19, 2022, I issued an Order suspending the briefing schedule in the *Good Cab* matter. On August 17,

2022, the 80-page hearing transcript and exhibits of the *Good Cab* hearing were filed with the Commission.

Consolidation

On September 23, 2022, both proceedings were formally consolidated for adjudication and resolution by an Order signed by ALJ Buckley and myself. On this same date, a Judge Change Notice was issued reassigning *Good Cab* from the undersigned presiding officer to ALJ Buckley so that he would preside over both matters until resolution.

Post-consolidation

On November 10, 2022, ALJ Buckley issued a Further Prehearing Conference Notice scheduling a conference before him on November 22, 2022. During this conference, which was held as scheduled, the parties agreed to confer with each other and if possible, file a joint stipulation of facts. ALJ Buckley also explained that he would schedule a hearing concerning the *Best Taxi* matter which would be held if the parties could not agree to a factual stipulation; and if they could agree, then the hearing would be cancelled and a briefing schedule would be established. Tr. 11/22/2022, at 15-16.

On January 9, 2023, the parties filed a Joint Stipulation of Facts in the *Best Taxi* matter, and the hearing which had been scheduled for June 8, 2023, was cancelled.

On September 22, 2023, I&E and Respondents filed briefs addressing the sole issue raised by Respondents in both matters.²

² While the record does not include a formal briefing order, both parties indicated in their cover letters to their briefs that the ALJ directed a briefing deadline of September 22, 2023. I&E's brief was initially rejected for filing due to an erroneous

On November 15, 2024, the parties filed a Joint Stipulation of Facts in the *Good Cab* matter. This Stipulation also incorporated the evidentiary hearing held in the *Good Cab* matter on June 21, 2022, and was intended by the parties to be consistent with the record. *See* Joint Stipulation of Fact in *Good Cab*, No. 15.³

On April 22, 2025, a Judge Change Notice was issued reassigning these consolidated matters to the undersigned ALJ.⁴

For all the reasons discussed below, Respondents' constitutional challenge to the Commission's regulation at issue will be denied, the Complaints will be sustained, and Respondents will be fined accordingly.

FINDINGS OF FACT

The following findings have been stipulated by the parties in their Joint Stipulation of Facts concerning the *Best Taxi* matter filed on July 9, 2023 (JSF Best Taxi), and the Joint Stipulation of Facts concerning the *Good Cab* matter filed on November 15, 2024 (JSF Good Cab), and/or taken from the *Good Cab* hearing.⁵ Since the stipulated facts in both matters overlap, are repetitive, and contain procedural history, they have been edited and reorganized for clarity purposes of this decision.

docket number on its transmittal letter, which was corrected on September 25, 2023. *See* cover letter attached to I&E's brief dated Sept. 25, 2023).

³ The record does not reflect any activity between the parties' filing of briefs on September 22, 2023, and the parties' filing of the Joint Stipulation of Fact in the *Good Cab* matter on November 15, 2024. However, said Stipulation states that it was being filed at the direction of ALJ Buckley.

⁴ The record does not reflect any activity between the November 15, 2024 filing and the April 22, 2025, Judge Change Notice.

⁵ Therefore, any reference to a transcript in the findings of facts refers to the *Good Cab* hearing transcript.

Parties

1. The Complainant is the Pennsylvania Public Utility Commission's Bureau of Investigation and Enforcement and is the entity established by statute to prosecute complaints against public utilities. 66 Pa.C.S. § 308.2(a)(11); *Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered Aug. 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

2. The Respondents are Good Cab LLC and Best Taxi, LLC, public utilities engaged in the transportation of persons for compensation within this Commonwealth as certificated call or demand entities. JSF Best Taxi No. 2; JSF Good Cab No. 2.

3. Good Cab and Best Taxi have a principal place of business at 2304 Walnut Street, Harrisburg, Pennsylvania 17103. JSF Best Taxi No. 2; JSF Good Cab No. 2.

4. On June 22, 2005, the Commission issued Good Cab a Certificate of Public Convenience for taxi service at Docket No. A-0012086. JSF Good Cab No. 3.

5. On March 24, 2017, the Commission issued Best Taxi a Certificate of Public Convenience for taxi service at Docket No. A-2016-2529890. JSF Best Taxi No. 3.

6. Maher Saber Ahmed owns both Good Cab and Best Taxi. JSF Good Cab No. 4; JSF Best Taxi No. 4.

7. Maher Saber Ahmed has 20 years of experience in the taxicab industry and is the owner of several taxicab companies organized in the central Pennsylvania area. JSF Good Cab No. 5; JSF Best Taxi No. 5.

8. Mr. Ahmed is the primary individual in charge of hiring drivers on behalf of Good Cab and Best Taxi and several other taxicab companies in the central Pennsylvania area. JSF Good Cab No. 6; JSF Best Taxi No. 6.

Best Taxi Violations

9. On October 6, 2021, PUC enforcement officers conducted an annual inspection of Best Taxi at the Company's place of business. JSF Best Taxi No. 7.

10. During the October 6, 2021 annual inspection of Best Taxi, the enforcement officers inspected the vehicle and driver records maintained by the Company. JSF Best Taxi No. 9.

11. Best Taxi LLC had two taxicab drivers employed at the time of the October 6, 2021 inspection: Ricky Roberts and Harvell Johnson. JSF Best Taxi No. 8.

12. The Best Taxi taxicab drivers maintained log sheets for some but not all shifts they operated. JSF Best Taxi No. 10.

13. Inspection of the driver records maintained by Best Taxi during the October 6, 2021 annual inspection included review of the criminal background histories maintained by the Company of its drivers. JSF Best Taxi No. 11.

14. Best Taxi's records included the required criminal background histories for all drivers. JSF Best Taxi No. 12.

15. Review of the criminal background histories of Best Taxi's taxicab drivers revealed that driver Mr. Johnson was convicted on August 11, 2015, in Dauphin County, Pennsylvania, of the manufacture, delivery, or possession with intent to manufacture or deliver, a controlled substance, or knowingly creating, delivering or possessing with intent to deliver, a counterfeit controlled substance, which offense is graded as a felony under The Controlled Substance, Drug, Device, and Cosmetic Act, 35 P.S. § 780-113(a) (30). JSF Best Taxi No. 13.

16. Best Taxi, via its owner Mr. Ahmed, was aware of Mr. Johnson's felony drug-related criminal conviction prior to his hire as a driver. JSF Best Taxi No. 14.

17. Mr. Ahmed interviewed Mr. Johnson prior to his hire and, based upon Mr. Ahmed's experience in the industry, determined that Mr. Johnson's prior felony conviction would not prevent him from performing the duties required of a taxi driver. JSF Best Taxi No. 15.

18. Mr. Ahmed, using his experience and judgment, determined that Mr. Johnson's criminal history was not relevant to the position of taxi driver and thus should not disqualify him from the position. JSF Best Taxi No. 16.

19. I&E's Complaint does not allege any violations by or attributable to Mr. Johnson other than he was acting as a taxi driver where he should have been disqualified from doing so due to his criminal history pursuant to 52 Pa. Code § 29.505(b)(1)(i)(D). JSF Best Taxi No. 19.

20. Despite the felony conviction, Mr. Ahmed decided to hire Mr. Johnson as a taxi driver for Best Taxi. JSF Best Taxi No. 17.

Good Cab Violations

21. On October 7, 2021, PUC Enforcement Officers Travis Griffith, Barry Pacovsky, and Elliot Miller conducted an inspection of the vehicle and driver records of Good Cab. JSF Good Cab No. 7.

22. On February 11, 2022, based upon the Enforcement Officers' inspection of the records, the Motor Carrier Division filed a Complaint against Good Cab. JSF Good Cab No. 8.

23. The Good Cab taxicab drivers failed to maintain log sheets for all of the shifts they operated. Tr. 24.

24. Good Cab failed to review the criminal histories of three drivers prior to allowing them to operate company vehicles. JSF Good Cab No. 8; Tr. 73.

25. Good Cab allowed one driver, Mr. Brian Hickman, to operate a taxicab even though, due to his criminal history, he was neither qualified nor suitable to provide safe transportation. JSF Good Cab No. 8.

26. Mr. Hickman was convicted in Philadelphia County, Pennsylvania in 2006 of robbery, a felony of the first degree, in violation of the Pennsylvania Crimes Code, 18 Pa.C.S. § 3701(a)(1)(i), and was sentenced to five to ten years imprisonment. JSF Good Cab No. 10.

27. Robbery under 18 Pa.C.S. § 3701(a)(1)(i) is considered a “crime of violence” pursuant to the Crimes Code. 18 Pa.C.S. § 5702 (relating to definitions).

28. Mr. Hickman was convicted in Philadelphia County, Pennsylvania in 2017 of possession with intent to manufacture or deliver a controlled substance, and criminal conspiracy to commit the aforesaid drug offense, which offenses are felony violations of The Controlled Substance, Drug, Device, and Cosmetic Act, 35 P.S. § 780-113(a)(30) and the Pennsylvania Crimes Code, 18 Pa.C.S. § 903, respectively. JSF Good Cab No. 10; I&E Exhibit 6.

29. Good Cab, via its owner, Mr. Ahmed, was aware of Mr. Hickman's criminal convictions prior to his hire. JSF Good Cab No. 11.

30. Mr. Ahmed interviewed Mr. Hickman prior to his hire and based upon Mr. Ahmed's experience in the industry, determined that Driver Hickman's prior felony convictions would not prevent him from performing the duties required of a taxi driver. JSF Good Cab No. 12.

31. Mr. Ahmed, using his experience and judgment, determined that Mr. Hickman's criminal history was not relevant to the position of taxi driver and thus should not disqualify him from the position. JSF Good Cab No. 13.

32. Despite the felony convictions, Mr. Ahmed decided to hire Mr. Hickman as a taxi driver for Good Cab. JSF Good Cab No. 14.

DISCUSSION

Enforcement of Code and Regulations

The Commission is empowered and charged with the duty to enforce the requirements of the Public Utility Code (Code), 66 Pa.C.S. § 501(a). The Commission has the authority to supervise and regulate all public utilities doing business within this

Commonwealth, and “may make such regulations, not inconsistent with law, as may be necessary or proper in the exercise of its powers or for the performance of its duties.” 66 Pa.C.S. § 501(b). The Commission may file a complaint against a public utility for violation of any section of the Code, or any Regulation or Order of the Commission. 66 Pa.C.S. § 701.

The Complainant, I&E, was established by statute to prosecute complainants against public utilities pursuant to 66 Pa.C.S. § 308.2(a)(11); *see Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered Aug. 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E). I&E is the proponent of a rule or order and, therefore, as the party seeking an order from the Commission, ordinarily bears the burden of proof by a preponderance of the evidence. 66 Pa.C.S. § 332(a); *Samuel J. Lansberry, Inc. v. Pa. Pub. Util. Comm’n*, 578 A.2d 600 (Pa. Cmwlth. 1990).

Regulation at issue

Good Cab and Best Taxi explain in their brief that the sole issue before the Commission is extremely narrow, which is “whether 52 Pa. Code § 29.505(b) is facially unconstitutional.” R.B. at 3.⁶ In particular, the Companies challenge Section 29.505(b)(1) (Regulation) which requires that call and demand carriers such as Respondents must disqualify driver applicants convicted of certain crimes within specified time frames. Specifically, the Regulation at issue provides:

⁶ Citations in this decision to the Respondents’ brief will be cited as “R.B.” and I&E’s brief as “I&E B.”

§ 29.505. Criminal history.

(b) *Call or demand and limousine drivers.*

(1) *Criminal background check.* Prior to permitting a person to act as a call or demand or limousine driver, a carrier shall conduct or have a third party conduct a local and National criminal background check for each driver applicant. The background check must include a multistate or multijurisdictional criminal records locator or other similar commercial Nationwide database with primary source search validation and a review of the United States Department of Justice National sex offender public web site. The carrier shall disqualify an applicant convicted of certain crimes in accordance with the following:

(i) An applicant convicted of any of the following within the preceding 7 years:

(A) Driving under the influence of drugs or alcohol.

(B) A felony conviction involving theft.

(C) A felony conviction for fraud.

(D) A felony conviction for a violation of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101--780-144).

(ii) An applicant convicted of any of the following within the preceding 10 years:

(A) Use of a motor vehicle to commit a felony.

(B) Burglary or robbery.

(iii) An applicant convicted of any of the following at any time:

(A) A sexual offense under 42 Pa.C.S. § 9799.14(c) or (d) (relating to sexual offenses and tier system) or similar offense under the laws of another jurisdiction or under a former law of the Commonwealth.

(B) A crime of violence as defined in 18 Pa.C.S. § 5702 (relating to definitions).

(C) An act of terror.

52 Pa. Code § 29.505(b)(1).

Companies' Position

The Companies contend that they have standing to challenge the constitutionality of the Regulation and that the Regulation is facially unconstitutional. First, the Companies assert standing on the basis that they are carriers regulated by the PUC and were cited for violating the Regulation. The Companies' entire standing argument in their brief is as follows:

Respondents have standing to make this challenge as both are certificated call or demand carriers subject to the authority and regulation of the PA Public Utility Commission. The Bureau of Investigation and Enforcement has issued each carrier a citation for its alleged violation of 52 Pa. Code § 29.505(b) and thus Respondents have standing to bring this challenge to the constitutionality of said regulation.

R.B. at 3.

Second, the Companies devote the remainder of their brief arguing that the

Regulation violates Article I, section 1 (Art. I, § 1) of the Pennsylvania Constitution⁷ which provides:

All men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, of acquiring, possessing and protecting property and reputation, and of pursuing their own happiness.

Pa. Const. art. I, § 1.

The Companies contend that among the rights guaranteed under Art. I, § 1 is the right to pursue a lawful occupation. R.B. at 4 (citing *Nixon v. Commonwealth*, 839 A.2d 277 (Pa. 2003) (*Nixon*)). Recognizing that the right to pursue a lawful occupation is an important right but not a fundamental right, the Companies contend that the Regulation must be subject to the rational basis test—i.e., a state may not deprive an individual of that right unless it can be shown that such deprivation is reasonably related to the state interest that is sought to be protected. In the Companies’ view, the Regulation infringes “upon an individual’s right to pursue the occupation of taxi driver, and subjects certificated carrier to punishment if a carrier were to hire such individuals.” R.B. at 4.

The Companies argue that the Regulation does not pass rational scrutiny because it creates a categorical ban against the hiring of drivers with certain past criminal histories, while providing no limitation that the prior conviction must relate to the driver’s ability to provide call or demand service to the public in a safe manner. Thus, the Companies contend, the Regulation does not provide a carrier with any discretion to

⁷ In their statement of the issue in their brief, the Companies also allege that the Regulation violates the due process clause of the United States Constitution. R.B. at 3. However, this argument is not developed as the remainder of the brief focuses on Art. I, § 1 of the Pennsylvania Constitution. Therefore, this decision addresses only the alleged violation of our state Constitution.

determine if the prior conviction of the proposed driver renders him incapable of safely operating in call or demand service. R.B. at 4-5.

In support of their constitutional challenge, the Companies cite to various cases interpreting Art. I, § 1. For example, the Companies argue that courts have held that “it is against the public policy of the Commonwealth to summarily reject an individual for employment on the ground that the individual has a prior criminal record unless in doing so the employer is furthering a legitimate public objective.” R.B. at 5-6 (citing *El v. Se. Pa Transp. Auth.*, 297 F. Supp.2d 758, 761 (E.D. Pa. 2003)). The Companies also point to cases where the court has held that the Commonwealth and its agencies may enact laws that limit an individual’s right to pursue a lawful occupation in order to achieve an important government interest, but “the means employed to reach the desired end cannot be ‘unreasonable, unduly oppressive or patently beyond the necessities of the case;’ rather, they ‘must have a real and substantial relation to the objects sought to be attained.’” R.B. at 6 (citing *Peake v. Commonwealth*, 132 A.3d 506, 521 (Pa. Cmwlth. 2015) (*Peake*); *Gambone v. Commonwealth*, 101 A.2d 634, 637 (Pa. 1954)).

In the Companies’ view, the Regulation does not pass the rational basis test because the Regulation creates an irrebuttable presumption that those convicted of certain enumerated crimes are not capable of safely operating in call or demand service, and irrebuttable presumptions often run afoul of due process protections. Further, the Companies contend that the Regulation does not pass the *Clayton* test, which holds that an irrebuttable presumption is not constitutional where: (1) it encroaches on an interest protected by the due process clause (in the instant case, the right to pursue a lawful occupation); (2) the presumption is not universally true; and (3) reasonable alternative means exist for ascertaining the presumption fact. R.B. at 6 (citing *Dept. of Transp., Bureau of Driver Licensing v. Clayton*, 684 A.2d 1060, 1063 (Pa. 1996) (*Clayton*)).

In support of their position that the Regulation does not pass the second and third prongs of the *Clayton* test, the Companies point to Subsection (a)(3) of the same Regulation, 52 Pa. Code § 29.505(a)(3), which applies to disqualification of common or contract carriers due to a criminal record. In contrast to the three categories of disqualifying criminal convictions in Section 29.505(b)(1) for call or demand and limousine drivers, a driver for a common or contract carrier is disqualified from employment when convicted of a felony or misdemeanor where the conviction “relates adversely to that person’s suitability to provide service safely and legally.” Specifically, this Section provides:

§ 29.505. Criminal history.

(a) *Common or contract carriers, except for call or demand and limousine drivers.*

* * *

(3) *Disqualification.* A common or contract carrier may not permit a person to operate a vehicle in its authorized service when the person was convicted of a felony or a misdemeanor under the laws of the Commonwealth or under the laws of another jurisdiction, *to the extent the conviction relates adversely to that person's suitability to provide service safely and legally.*

52 Pa. Code § 505(a)(3) (emphasis added).

In further support of their position that the Regulation is facially unconstitutional, the Companies point to Section 9125(b) of Pennsylvania’s Criminal History Information Act (CHRIA) which provides that, “[f]elony and misdemeanor convictions may be considered by the employer *only to the extent to which they relate to the applicant’s suitability for employment in the position for which he has applied.*” 18 Pa.C.S. § 9125(b) (emphasis added). In the Companies’ view, “there is no suggestion”

that the felony convictions at issue in the instant case relate adversely to the driver's suitability to provide service safely and legally. R.B. at 5.

The Companies contend that there is no logical or rational reason that call and demand carriers cannot exercise the same discretion as contract or common carriers in determining whether a prospective driver's prior criminal history relates adversely to that person's suitability to provide service safely and legally. R.B. at 8. The Companies argue that Mr. Ahmed, as the owner of the carrier, employed his 20 years of experience in the operation of a call or demand service to determine that each driver's criminal history was not relevant to the position of taxi driver and thus should not disqualify them from this position. R.B. at 8.

As relief, the Companies ask that the Commission recognize that the Regulation is facially unconstitutional and, hence, unenforceable. Accordingly, the Companies request that any citation issued by the Commission for violation of 52 Pa. Code § 29.505(b)(1) be dismissed. R.B. at 8.

I&E's position

I&E contends that the Companies lack standing to challenge the constitutionality of the Regulation. Alternatively, I&E posits that if the Companies are deemed to have standing to constitutionally challenge the Regulation, the Regulation is constitutional and enforceable because it bears a rational relationship to the interest the Commission aims to achieve.

First, I&E contends that the Companies lack standing to assert the constitutional right of their former employees to not be barred from driving a taxi on account of the employees' felony criminal convictions. In support of this position, I&E cites to several cases discussing standing including *United States v. Hansen*, 599 U.S.

762, 769 (2023) (litigants typically lack standing to assert the rights of third parties); *Kowalski v. Tesmer*, 543 U.S. 125, 127 (2004) (*Tesmer*) (attorneys lack standing to assert rights of indigent defendants to challenge Michigan procedure on appointment of counsel for indigent criminal defendants); and *Warth v. Seldin*, 422 U.S. 490, 499 (1975) (“[T]he plaintiff generally must assert his own legal rights and interests, and cannot rest his claim to relief on the legal rights or interests of third parties.”). I&E B. at 3.

I&E argue that in the instant case, the Companies are attempting to assert the unconstitutionality of a Commission Regulation “*vis a vis* their former employees — convicted felons who were barred at the time the Commission brought its [C]omplaints against the Companies because of their convictions.” I&E B. at 4. In I&E’s view, the Companies are not asserting that their own rights have been violated by the Regulation restricting when they may employ convicted felons. Rather, because the Companies are attempting to challenge the Regulation by asserting the rights of third parties, they do not have standing. *Id.*

Alternatively, I&E’s position is that to the extent that the Companies are deemed by the Commission to have standing to constitutionally challenge the Regulation, the Commission’s Regulation prohibiting those convicted of certain crimes from operating as call or demand and limousine drivers is constitutional. I&E explains that the touchstone for evaluating whether prohibitions on certain type of work by reason of a criminal record is whether there is a rational relationship between the bar to employment and the public interest. In I&E’s view, it is rational to prohibit those with drug- or violence-related convictions from operating as taxi drivers to protect the health, safety, and welfare of citizens who use taxi services. Therefore, the Regulation is constitutional. I&E B. at 3.

I&E initially explains that the burden of a litigant who challenges the constitutionality of a statute or regulation is heavy because the litigant must counteract the

presumption of constitutionality. Statutes enacted by the General Assembly, explains I&E, are presumptively valid and are held to be constitutional “unless it clearly, palpably and plainly violates the constitution.” I&E B. at 40 (citing *W. Mifflin Area Sch., Dist. v. Zahorchak*, 4 A.3d 1042, 1048 (Pa. 2010); *Barrel of Monkeys, LLC v. Allegheny Cnty.*, 39 A.3d 559, 563 (Pa. Cmwlth. 2012)). I&E states that this framework also applies to regulations promulgated by the Commission, citing *Pocono Manor Investors, LP v. Pennsylvania Gaming Control Board*, 592 927 A.2d 209, 223 (Pa. 2007) (“We presume, as we do with all statutes, that the Board intended its regulations to be constitutional.”). I&E B. at 8.

Next, I&E explains that while there is no case law addressing the constitutionality of this specific Regulation at issue, its bar to employment in a regulated job role is analogous to other similar statutory restrictions in state and federal law that are applicable to a wide range of positions, from labor unionists to police officers to airport workers to bankers to employee benefit plan trustees. Restriction on hiring individuals with certain criminal convictions is common for positions that require a great deal of trust to be placed in the individual so employed and carry a high degree of responsibility to do the job with integrity. I&E B. at 5.

I&E cites to several examples of employment restriction for a criminal record including: 53 Pa.C.S § 2164(7), where Pennsylvania law prohibits any person who was convicted of a serious misdemeanor or felony from being employed as a police officer; 49 U.S.C. § 4493, where federal law prohibits the employment of anyone as an airport employee or in any position with access to an aircraft if they have been convicted of certain enumerated crimes within the 10 years preceding their employment; and 12 U.S.C. § 1829, where federal law prohibits employment at a bank or financial institution to anyone convicted of crimes of dishonesty (which include drug crimes) without the approval of the FDIC, and the FDIC may not give consent to anyone convicted of crimes involving bribery or corruption in banking, embezzlement or theft, fraud or false

statement in banking or bankruptcy transactions, obstructing the examination of a financial institution, or racketeering if the conviction is within 10 years of the job application. I&E B. at 5.

I&E also points out that since the right to pursue a particular occupation is not a fundamental right, laws which restrict the right to work in a certain occupation are analyzed under the rational basis test. Under this test, if a statute bears a rational relationship to the interest the General Assembly aims to achieve, the statute is constitutional. I&B. at 6 (citing *Nixon*). I&E explains, “[t]he Commonwealth and, by extension, the Commission, may prohibit individuals with certain criminal convictions from holding certain positions and may distinguish between classes of ex-criminals so long as there is a real and substantial relationship to the interest the Commission is seeking to achieve.” I&E B. at 6.

I&E explains that where a statute barring employment based on a past criminal conviction is challenged, courts balance the length of time between the conviction and the employment sought, the nature of the conviction (such as felony or misdemeanor, type of crime, and the details surrounding the crime) and whether it is rationally related to the job the party was denied, and whether others with similar criminal convictions are treated similarly. As an example, I&E points to *Shoul v. Commonwealth, Department of Transportation, Bureau of Driver Licensing*, 173 A.2d 669 (Pa. 2017), where the Pennsylvania Supreme Court upheld a lifetime ban on possessing a commercial driver’s license to anyone convicted of drug trafficking, reasoning that the lifetime ban passes the rational basis test on the ground that the ban is rationally related to the strong government interest in deterring drug trafficking. I&E B. at 6-7.⁸

⁸ However, *Shoul* was remanded to the trial court to determine whether a lifetime disqualification was grossly disproportionate to the holder’s conviction under the Eighth Amendment’s prohibition against cruel and unusual punishment. *Shoul*.

Next, I&E points to several other federal and state examples where courts upheld conviction-based employment restrictions. For example, I&E cites *Presser v. Brennan*, 389 F. Supp. 808 (N.D. Ohio 1975) (lifetime ban from employment as a trustee of employee benefits plans for a conviction of a violation of the Labor Management Relations Act) and *Davis v. U.S. Dept of Labor Office of Labor Management Standards*, 2017 WL 3485811 (E.D. Mich. Aug. 15, 2017) (unreported) (13-year bar to employment with unions for certain enumerated offenses pursuant to the Labor Management Reporting and Disclosure Act). See I&E B. at 6-7 for other cases cited by I&E.

I&E also points to cases where a challenge to a conviction-based employment restriction has been sustained as not passing the rational basis test, but argues that those cases involved lifetime bans and inconsistent application of the employment bar or extreme breadth of crimes making one ineligible for employment. For example, I&E cites to *Nixon* where the court struck down the application of the Older Adult Protective Services Act to bar some individuals with a criminal record but not others with the same record, depending on their date of employment; and *Peake* where the lifetime ban on employing individuals with certain convictions in elder care settings was found to be overly broad and was struck down in its entirety. See I&E B. at 7-9 for other such cases cited by I&E.

Turning to the instant Regulation, I&E contends that the Regulation bears a rational relationship to the interest the Commission aims to achieve. In I&E's view, the Regulation contains a three-tiered system for barring employment based on criminal convictions, with each tier separately accounting for the remoteness in time of the conviction, the nature of the conviction, and its relation to driving a taxi.⁹ Addressing the

⁹ I&E also argues that “the former employees here are not subjected to lifetime bans on employment.” I&E B. at 9. However, it should be noted that driver Hickman's conviction for robbery, 18 Pa.C.S. § 3701(a)(1)(i), does meet the definition of

drug convictions, I&E contends the seven-year ban for the felony drug convictions ensure that taxi drivers are not going to take advantage of their passengers but operates to ensure that an individual's criminal ways are well and truly behind them and that they will not present a threat to their passengers. I&E explains this rational as follows:

People who use drugs attract trouble, can be a danger to others, and are accident prone when behind the wheel. Drug users tend to habitually, rather than recreationally, abuse their substance of choice. They tend to be addicted to drugs and tend to use drugs in situations where they are not supposed to, such as prior to or at work. They may be desperate for money and may use dishonestly, deceit, or outright theft to obtain money or property to exchange for drugs.

A person riding in a taxi is at the mercy of the driver. They may not know where they are at. They may be elderly or lower-income and rely on the taxi service for transportation. They may be by themselves. They may be inebriated. They cannot extricate themselves from any threatening situation because they are in a moving vehicle. All of these things make passengers of taxis easy marks for criminals.

I&E B. at 10 (footnote omitted).¹⁰

a "crime of violence" pursuant to 18 Pa.C.S. § 5702, thereby making him ineligible to be a call or demand driver pursuant to 52 Pa. Code § 29.505(b)(1)(iii)(B). *See also* Officer Griffith's testimony acknowledging this lifetime ban. Tr. at 42.

¹⁰ In its footnote, I&E cites to Dr. David N. Nurco DSW, Thomas E. Hanlon Ph.D., Timothy W. Kinlock M.A., "Recent Research on the Relationship Between Illicit Drug Use and Crime," *Behavioral Sciences & Law* 9 No. 3, 221-242 (Summer 1991) ("Major conclusions supported by the results of studies of the criminal activity of narcotic abusers are that both a higher prevalence and higher rates of crime are associated with more frequent use of heroin and/or cocaine, although addicts vary with regard to the type, amount, and severity of crime they commit"). I&E B. at 10.

Accordingly, I&E requests that the Commission find that I&E's Complaints are proper and be sustained in their entirety. I&E B. at 11.

Disposition

Uncontested violations

Three of the five aggregate violations are not contested. The Joint Stipulation of Facts, the hearing record in *Good Cab*, and the briefs support finding that the Respondents violated one count each of 52 Pa. Code § 29.213(c) for the failure of all drivers to maintain log sheets, and that Good Cab violated one count of Section 52 Pa. Code § 29.505(b)(1) for its failure to obtain and review the criminal histories of three employees. Accordingly, this decision will formally find the Companies in violation of these regulations and impose the applicable penalties as further discussed below.

Contested violations

Next, turning to the two contested counts, one count for each Company for violating the Regulation, I agree with I&E that the Companies lack standing in their instant constitutional challenge. Initially I note that the Companies do not claim that the Regulation is unconstitutional as applied to them in their respective particular circumstances. Therefore, this case does not present an "as-applied" constitutional attack, which, arguably, the Companies would have standing to bring. In contrast, the Companies have made clear that the Regulation in the instant matter is being challenged "on its face," without regard to any particularized set of circumstances. A facial challenge attacks the entire Regulation, arguing that it is unconstitutional in all applications. Facial attacks are generally disfavored in constitutional law litigation. *Commonwealth v. Pownall*, 278 A.3d (Pa. 2022).

The Companies base their standing on their status as certificated carriers and that they were cited for violating the Regulation. However, the alleged constitutional violation they seek to assert is based on the guaranteed right under Art. I, § 1 to pursue a lawful occupation which, in the instant case, is the occupation of taxi driver, not the occupation of a call and demand carrier. As the Companies argue, the Regulation infringes “upon an individual’s right to pursue the occupation of taxi driver[.]” R.B. at 4. While it is true that a carrier may be cited if that carrier were to hire such individuals, as what occurred in the instant case, this fact does not give rise to infringing upon the occupation of the carrier. Nowhere do I find where the Companies assert that the instant Regulation unlawfully impedes their abilities to pursue their desired occupation as call and demand carriers. For example, there is no evidence that the Companies are unable to hire qualified drivers because of the instant Regulation, thereby making it impossible for them to operate their Companies.

In my view, it is not sufficient to base a facial constitutional challenge by arguing that the Regulation takes away the Companies’ discretion to determine when they may employ certain convicted felons, as the Companies argue. R.B. at 4-5. Arguably, every Regulation somehow impedes an owner’s discretion to act in some manner that they may otherwise want to act.

In general, one may not claim standing to vindicate the constitutional rights of some third party, including rights in an employer-employee relationship. *See, e.g., Singleton v. Wulff*, 428 U.S. 106 (1976) (*Singleton*). Therefore, the right to assert the instant constitutional challenge, if any, belongs to the prospective taxi or limousine driver who was denied employment on the basis of the applicant’s criminal convictions under the Regulation. Further, the Companies have not asserted any hinderance to the affected driver applicants’ ability to protect their own interests. *See Singleton* (explaining that for a party to assert the rights of another, they must demonstrate a close relationship with the person who possesses the right and show that there is a hindrance to the possessor's

ability to protect their own interests). On the other hand, the Regulation has not infringed on Mr. Ahmed's right to pursue ownership and operation of the call and demand Companies.

The general rule that a party cannot assert the rights of a third party but can only assert their own legal rights and interests is grounded in the notion that the party with the right has the appropriate incentive to challenge governmental action and to do so with the necessary zeal and appropriate presentation. *Tesmer*. This rule is designed to avoid deciding questions of broad social import and to limit access to the courts to those litigants best suited to assert a particular claim. *Pitt News v. Fisher*, 215 F.3d 354 (3d Cir. 2000); *New Jersey Bankers Ass'n v. Atty Gen. New Jersey*, 49 F.4th 849 (3d Cir. 2022). Third parties themselves usually will be the best proponents of their own rights. (*Singleton*).

I find that the instant case is illustrative of the purpose of the underlying rationale of the general rule against the assertion of third-party rights. Of note, in support of their constitutional challenge, the Companies cite to Section 9125(b) of Pennsylvania's Criminal History Information Act (CHRIA) which provides that, "[f]elony and misdemeanor convictions may be considered by the employer *only to the extent to which they relate to the applicant's suitability for employment in the position for which he has applied.*" 18 Pa.C.S. § 9125(b) (emphasis added). Yet, other than being mentioned in one sentence in their brief, there is no developed argument by the Companies that the Regulation violates CHRIA, as they seem to imply. *See* R.B. at 5. While Section 9125(b) seems dispositive, CHRIA is more complex. For example, there are limitations and/or exceptions not discussed by the Companies, and limitations on who and how an allegedly aggrieved party may pursue relief under CHRIA. In my view, it is the prospective employees who are in the position to assert, if they choose, that their constitutional right to pursue the occupation of taxi driver is being unlawfully infringed upon by the Regulation. On the other hand, I find that the record before me is inadequate

to address the Regulation’s constitutionality which would have broad social import.
Tesmer; Singleton.

Moreover, by raising a facial constitutional challenge to the Regulation at this level before me, the Companies are essentially requiring I&E to defend the legality of the Commission’s promulgation and adoption of the instant Regulation. Although I&E defended the Regulation as an alternative argument, in my view, the Commission, not I&E, is the proper party to defend against the Companies’ allegations that its Regulation is unconstitutional. I find support in the case of *Tate v. Columbia Gas of Pennsylvania*, Docket No. C-2020-3018966 (Opinion and Order entered Oct. 10, 2024) (*Tate*), where the Commission held that the Commission, not the gas company, was the proper party to defend against a consumer’s complaint against the gas company which raised an allegation that a certain Commission regulation was unconstitutional because, in part, the gas company “merely applied the law in effect.” *Id.* at 30.

In the instant case, although I&E is an arm of the PUC rather than a private gas company as in *Tate*, of significance, I&E operates as an independent prosecutory arm of the Commission, empowered to investigate violations, initiate enforcement actions, and impose penalties to ensure compliance with the Code, Regulations or Orders of the Commission. 66 Pa.C.S. § 308.2(a)(11); *Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Order entered Aug. 11, 2011); *see also Blue Pilot Energy LLC v. Pa. PUC*, 241 A.3d 1254 (Pa. Cmwlth. 2020). Pursuant to Act 85 of 2016, our Legislature charged the Commission with promulgating, *inter alia*, temporary regulations governing driver requirements of taxi and limousine drivers including criminal history background check requirements. *See Regulations for the Taxi and Limousine Industries*, Docket No. L-2016-2556432 (Order entered Dec. 23, 2016) (*2016 Order*). In this Order, the Commission explained, after considering the interested parties’ comments concerning criminal background checks, it adopted the Legislature’s treatment and language of transportation network

company (TNC) drivers, finding they should be equally applicable to taxi and limousine drivers. *2016 Order* at 13-15.¹¹ Consequently, I find that I&E is not the proper party to defend the Commission’s Regulation and this is not the proper forum.

Accordingly, having found that the Companies lack standing in their facial constitutional challenge to the Regulation, civil penalties will be imposed below.

Civil Penalties

Section 3301 of the Public Utility Code, 66 Pa.C.S. § 3301, authorizes the Commission to impose civil penalties on any public utility up to \$1,000 per violation for the failure to file or pay the annual assessment on time. Each and every day of continuance of the violation is a separate offense. 66 Pa.C.S. § 3301(b). The Commission has adopted a policy statement that articulates the factors used to determine the reasonableness of civil penalties to be imposed in litigated and settled cases. *See* 52 Pa. Code § 69.1201. The standards in 52 Pa. Code §69.1201(c) are set forth below:

(1) Whether the conduct at issue was of a serious nature. When conduct of a serious nature is involved, such as willful fraud or misrepresentation, the conduct may warrant a higher penalty. When the conduct is less egregious, such as administrative filing or technical errors, it may warrant a lower penalty.

(2) Whether the resulting consequences of the conduct at issue were of a serious nature. When consequences of a serious nature are involved, such as personal injury or property damage, the consequences may warrant a higher penalty.

¹¹ *Cf.* 66 Pa.C.S. § 2604.1(b)(5)(i), which imposes the same three-tiered driver disqualifying criminal convictions as the instant Regulation. The *2016 Order* comments, “We believe that the Legislature’s treatment of TNC drives should be equally applicable to taxi and limousine drivers and adequately addresses the Commentators’ concern. Therefore, we will adopt this language[.]” (*2016 Order* at 15).

(3) Whether the conduct at issue was deemed intentional or negligent. This factor may only be considered in evaluating litigated cases. When conduct has been deemed intentional, the conduct may result in a higher penalty.

(4) Whether the regulated entity made efforts to modify internal practices and procedures to address the conduct at issue and prevent similar conduct in the future. These modifications may include activities such as training and improving company techniques and supervision. The amount of time it took the utility to correct the conduct once it was discovered and the involvement of top-level management in correcting the conduct may be considered.

(5) The number of customers affected and the duration of the violation.

(6) The compliance history of the regulated entity which committed the violation. An isolated incident from an otherwise compliant utility may result in a lower penalty, whereas frequent, recurrent violations by a utility may result in a higher penalty.

(7) Whether the regulated entity cooperated with the Commission's investigation. Facts establishing bad faith, active concealment of violations, or attempts to interfere with Commission investigations may result in a higher penalty.

(8) The amount of the civil penalty or fine necessary to deter future violations. The size of the utility may be considered to determine an appropriate penalty amount.

(9) Past Commission decisions in similar situations.

(10) Other relevant factors.

52 Pa. Code § 69.1201(c).

In the instant case, neither party addressed the fine amount. Nonetheless, I find that the fines proposed by I&E in each Complaint is consistent with fines imposed by the Commission in past cases. Therefore, the fines requested by I&E will be imposed.¹²

CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the subject matter and the parties to this proceeding. 66 Pa.C.S. §§ 501, 701.
2. The Commission is empowered and charged with the duty to enforce the requirements of the Public Utility Code (Code). 66 Pa.C.S. § 501(a).
3. The Commission has the authority to supervise and regulate all public utilities doing business within this Commonwealth, and may make such regulations, not inconsistent with law, as may be necessary or proper in the exercise of its powers or for the performance of its duties. 66 Pa.C.S. § 501(b).
4. The Commission may file a complaint against a public utility for violation of any section of the Code, or any Regulation or Order of the Commission. 66 Pa.C.S. § 701.
5. Among the rights guaranteed under Article I, Section 1 of the Pennsylvania Constitution is the right to pursue a lawful occupation. *Nixon v. Commonwealth*, 839 A.2d 277 (Pa. 2003).

¹² See *supra* at 2-3 for the fine proposed for each violation in each matter.

6. In general, one may not claim standing to vindicate the constitutional rights of some third party. *United States v. Hansen*, 599 U.S. 762 (2023); *Singleton v. Wulff*, 428 U.S. 106 (1976); *Kowalski v. Tesmer*, 543 U.S. 125 (2004).

7. Statutes enacted by the General Assembly, are presumptively valid and are held to be constitutional unless it clearly, palpably and plainly violates the constitution. *W. Mifflin Area Sch. Dist. v. Zahorchak*, 4 A.3d 1042 (Pa. 2010).

8. The Respondents lack standing to challenge 52 Pa. Code § 29.505(b)(1) as facially unconstitutional.

9. The Public Utility Code authorizes the Commission to impose civil penalties on any public utility up to \$1,000 per violation for the failure to file or pay the annual assessment on time. Each and every day of continuance of the violation is a separate offense. 66 Pa.C.S. § 3301(b).

10. The fines proposed by the Bureau of Investigation and Enforcement are appropriate.

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of the Commission's Bureau of Investigation and Enforcement filed against Best Taxi, LLC at Docket No. C-2022-3029070 is sustained.

2. That the Formal Complaint of the Commission's Bureau of Investigation and Enforcement filed against Good Cab, LLC at Docket No. C-2022-3029079 is sustained.

3. That within thirty (30) days of the entry date of the Final Commission Order in this matter, Best Taxi LLC shall remit a total of \$1,050 (\$1,000 for violating 52 Pa. Code § 29.505(b)(1) and \$50 for violating 52 Pa. Code § 29.313(c)), payable by certified check or money order to the "Commonwealth of Pennsylvania" with the docket number of C-2022-3029070, and send to:

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

4. That within thirty (30) days of the entry date of the Final Commission Order in this matter, Good Cab LLC shall remit a total of \$1,800, broken down as follows:

(a) \$250 per each of the three employees for violating 52 Pa. Code § 29.505(b)(1) (relating to failure to review the criminal histories of three employees);

(b) \$1,000 for violating 52 Pa. Code § 29.505(b)(1) (relating to allowing one employee to operate company vehicles even though, due to his criminal history, was not qualified or suitable for provide safe transportation): and

(c) \$50 for violating 52 Pa. Code § 29.313(c).

Said total in this paragraph, \$1,800, shall be payable by certified check or money order to the “Commonwealth of Pennsylvania” with the docket number of C-2022-3029079, and sent to:

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

5. That the Public Utility Commission’s Bureau of Technical Utility Services suspend or revoke Best Taxi LLC’s Certificate of Public Convenience at Docket No. A-2016-2529890, if payments totaling \$1,050 in Ordering Paragraph No. 3 above are not received from Best Taxi LLC within thirty (30) days after service of the Public Utility Commission’s Final Order.

6. That the Public Utility Commission’s Bureau of Technical Utility Services suspend or revoke Good Cab LLC’s Certificate of Public Convenience at Docket No. A-0012086, if payments totaling \$1,800 in Ordering Paragraph No. 4 above

