

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of GPS Transportation, Inc.,	:	
t/a GPS Transportation God's People	:	
Serving to transport, as a common carrier	:	A-2024-3051677
by motor vehicle, persons in paratransit	:	
service, from points in the Counties of	:	
Bucks and Delaware, and the City and	:	
County of Philadelphia, to points in	:	
Pennsylvania, and return.	:	

ORDER REASSIGNING APPLICATION

On October 17, 2024, GPS Transportation, Inc. t/a GPS Transportation God's People Serving (Applicant) filed an Application with the Pennsylvania Public Utility Commission (Commission) for authority to transport, as a common carrier, by motor vehicle, persons in paratransit service, limited to non-medical transportation from points in the Counties of Bucks and Delaware, and the City and County of Philadelphia, to points in Pennsylvania, and return. The Commission caused notice of this Application to be published in the November 23, 2024 *Pennsylvania Bulletin* at, 54 Pa.B. 7649, specifying a deadline of December 9, 2024, for filing protests.

On December 9, 2024, Bucks County Transport, Inc. and Bux-Mont Transportation, Inc. (collectively, the Joint Protestants) filed a Joint Protest to the Application.

By Initial Call-In Telephone Hearing Notice dated December 17, 2024, the Commission scheduled a telephonic hearing on this matter for February 13, 2025, at 10:00 a.m., and assigned the case to me.

A Prehearing Order was issued on January 27, 2025, advising the parties of the date and time of the scheduled hearing, informing them of the procedures applicable to the proceeding, and directing the submission of documents prior to the hearing.

On February 12, 2025, Tanya C. Leshko, Esq., counsel for Joint Protestants, filed a Restrictive Amendment on behalf of the Applicant and the Joint Protestants, in which the Joint Protestants agreed to withdraw their Protest to the Application based upon the Restrictive Amendment and its acceptance and approval by the Commission. The Application was amended as follows:

To transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the City and County of Philadelphia and the County of Delaware, to points in Pennsylvania and return, and to transport, as a common carrier, by motor vehicle, persons in paratransit service who require and receive door-to-door service, from points in Bucks County to points in Pennsylvania and return.

By email dated February 12, 2025, I informed the parties that the hearing in this matter would be held as scheduled for the purpose of clarifying the terms of the Restrictive Amendment.

The initial hearing convened as scheduled on February 13, 2025. David P. Temple, Esq. represented the Applicant, and Tanya C. Leshko, Esq. appeared on behalf of the Joint Protestants. At the hearing, the parties were asked to clarify the provisions of the Restrictive Amendment – in particular, the inclusion of the term “door-to-door” in the description of the authority requested by the Applicant in Bucks County. Tr. 4-5.

By Order dated May 20, 2025, I informed the parties that the Restrictive Amendment submitted by the Applicant and the Joint Protestants unduly and unreasonably limited the operating authority of the Applicant in Bucks County and established operating rights that are unrelated to the Commission’s statutory and regulatory responsibilities. See *Application of Gene Leman t/a Bangor Cab*, Docket Nos. A-6410442 and A-2008-2061044 (Order entered September 4, 2009). Consequently, I rejected the Restrictive Amendment as written and ordered a further hearing. On May 27, 2025, a Further Telephonic Hearing Notice was issued, setting a hearing date for July 24, 2025, at 10:00 a.m.

On June 26, 2025, counsel for Joint Protestants, Tanya C. Leshko, Esq. filed an Amended Restrictive Amendment on behalf of the Applicant and the Joint Protestants, in which the Joint Protestants agreed to withdraw their Protest to the Application based upon the Restrictive Amendment and its acceptance and approval by the Commission. The Application was amended as follows:

For the right to begin to transport, as a common carrier, by motor vehicle, persons in paratransit service, between points in the City and County of Philadelphia and the County of Delaware, to points in Pennsylvania and return.

Amended Restrictive Amendment ¶ 3. Based upon this Amended Restrictive Amendment and conditioned upon its acceptance and approval by the Commission and any order issued being consistent therewith, Joint Protestants agree to withdraw their respective Protests to the Application as amended, subject to the following two conditions and requirements: (i) in the event that any aspect of this Amended Restrictive Amendment is rejected by the Commission for any reason, the Protests shall be deemed immediately reinstated, this proceeding shall be scheduled for hearing to permit Joint Protestants to present evidence in an on-the-record proceeding in opposition to approval of the Application, and neither the Amended Restrictive Amendment, nor the fact that the parties agreed to submit it to the Commission, shall be used against any party in any subsequent hearing or proceeding; and (ii) in the event that any aspect of this Amended Restrictive Amendment is rejected by the Commission for any reason, the Joint Protestants shall have the right to request reconsideration before the Commission or to appeal before any and all appropriate courts, or both, and in any such proceedings Applicant shall not raise any objections as to party status or standing of the Joint Protestants. See Amended Restrictive Amendment ¶ 4. Joint Protestants desire to remain parties of record so as to receive copies of any orders or other documentation issued by the Commission in this proceeding. *Id.* at ¶ 6.

The Commission's Rules of Practice and Procedure at 52 Pa. Code § 5.235 provide that parties to an application for passenger authority may stipulate as to modifications to proposed motor carrier rights. The stipulation, in the form of a restrictive amendment, must be in writing,

explain why the stipulation is in the public interest, be signed by each party to the stipulation and be submitted to the Commission's Secretary for insertion into the document folder. The restrictive amendment is binding on the parties that sign it. While the restrictive amendment is binding on the parties, it is not binding on the Commission if it determines that the restrictive amendment is contrary to the public interest.

In order to find that a restrictive amendment is in the public interest, the Commission must find that adopting the restrictive amendment would serve to protect a legitimate public purpose. The public need for the proposed service is the relevant factor in determining the public interest, while protection of private economic interests and competitive positions is not. *Crown America Corp. v. Pa. Pub. Util. Comm'n*, 463 A.2d 1257 (Pa. Cmwlth. 1983); *Glenside Suburban Radio Cab, Inc. v. Pa. Pub. Util. Comm'n*, 411 A.2d 874 (Pa. Cmwlth. 1980); *Highway Express Lines, Inc. v. Pa. Pub. Util. Comm'n*, 169 A.2d 798 (Pa. Super. 1961).

The Commission has rejected restrictive amendments where the amendment proposed to limit the type, make or color of vehicle used to provide service as contrary to the public interest. *Application of Sean McDonough t/d/b/a Northstar Executive Transportation*, Docket No. A-00118757 (Order entered December 4, 2002); *Application of Yvonne Victoria Kulp t/d/b/a YV Kulp Transportation*, Docket No. A-00119913 (Order entered April 8, 2004); *Application of Gene Leman t/a Bangor Cab*, Docket Nos. A-6410442 and A-2008-2061044 (Order entered September 4, 2009). In these cases, the Commission rejected the restrictive amendments because they would limit the nature and quality of the equipment to be used by the applicant to provide the service, would unduly and unreasonably fragment the operating authority of the applicant and would create enforcement difficulties for the Commission by establishing operating rights that are unrelated to the Commission's statutory and regulatory responsibilities. The Amended Restrictive Amendment submitted by the Applicant and the Joint Protestants does not limit the type, make or color of vehicle used to provide service. In addition, the Amended Restrictive Amendment does not unduly and unreasonably fragment the operating authority of the Applicant, nor does it establish operating rights that are unrelated to the Commission's statutory and regulatory responsibilities

A-2024-3051677 - APPLICATION OF GPS TRANSPORTATION, INC T/A GPS TRANSPORTATION GOD'S PEOPLE SERVING TO TRANSPORT, AS A COMMON CARRIER, BY MOTOR VEHICLE, PERSONS IN PARATRANSIT SERVICE, FROM POINTS IN THE COUNTIES OF BUCKS AND DELAWARE, AND THE CITY AND COUNTY OF PHILADELPHIA, TO POINTS IN PENNSYLVANIA, AND RETURN

Revised 5/27/2025

DWAINE R LEWIS CEO
GPS TRANSPORTATION INC
9253 KEYSTONE STREET
PHILADELPHIA PA 19111
215.774.9913
215.500.5220
admin@gpstransportation.net
Served via eService July 10, 2024

TANSENEK LEWIS
GPS TRANSPORTATION INC T/A
GPS TRANSPORTATION GOD'S PEOPLE SERVING
9237 ROOSEVELT BOULEVARD SUITE 203
PHILADELPHIA PA 19114
215.774.9913
admin@gpstransportation.net
Served via email and First-Class mail July 10, 2024

TANYA C LESHKO ESQUIRE
JOHN F POVILAITIS ESQUIRE
ALAN MICHAEL SELTZER ESQUIRE
BUCHANAN INGERSOLL AND ROONEY PC
409 N SECOND ST
SUITE 500
HARRISBURG PA 17101
717.237.4800
717.237.4825
610.372.4761
tanya.leshko@bipc.com
John.Povilaitis@BIPC.com
Alan.Seltzer@BIPC.com
Served via eService July 10, 2024
(Counsel for Protestants)

DAVID P TEMPLE ESQUIRE
TEMPLE LAW LLC
111 BUCK ROAD
BUILDING 500 SUITE 1
HUNTINGDON VALLEY PA 19006
215.421.4391

dave@templelaw.org

Served via email and First-class mail July 10, 2024

(Counsel for Applicant)