

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of C&C NEMT, LLC for the right to	:	
begin to transport, as a common carrier, by motor	:	
vehicle, persons in paratransit service, from points	:	A-2025-3055256
in the Counties of Berks, Bucks, Lehigh,	:	
Montgomery, and Northampton, to points in	:	
Pennsylvania, and return	:	

**ORDER
CONTINUING HEARING AND
DIRECTING C&C NEMT, LLC TO RETAIN COUNSEL**

On May 19, 2025, C&C NEMT, LLC (C&C NEMT or Applicant) filed an Application for Motor Common Carrier of Persons in Paratransit Service (Application) with the Pennsylvania Public Utility Commission (Commission) at Docket Number A-2025-3055256. C&C NEMT’s Application seeks authority to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Berks, Bucks, Lehigh, Montgomery, and Northampton, to points in Pennsylvania, and return. The Application was published in the Pennsylvania Bulletin on June 28, 2025 with a protest period deadline of July 14, 2025. A Joint Protest was filed by Bucks County Transport, Inc; Bux-Mont Transportation, Inc.; Easton Coach Company; Suburban Transit Network, Inc.; and Tri County Transit Service, Inc. (Joint Protestants), on July 14, 2025.

On July 18, 2025, a corrected initial hearing notice was issued establishing an in-person hearing for this matter for Wednesday, September 10, 2025 at 10:00 a.m. and assigning me as the presiding officer.¹ The hearing notice stated that requests for continuance must be submitted five days before the evidentiary hearing. The hearing notice also stated that individuals may represent themselves but all others, including a corporation, must be represented

¹ This first initial hearing notice issued on July 18, 2025 instructed the parties that the September 10, 2025 hearing would be held by telephone. The corrected initial hearing notice instructed the parties that the September 10, 2025 hearing would be held in-person in Harrisburg.

by an attorney. In anticipation of the September 10, 2025 hearing, a prehearing order was issued on July 18, 2025, instructing the parties that the hearing would be held in-person and setting forth various rules that would govern the hearing. The prehearing order stated that requests for continuance must be submitted five days before the evidentiary hearing. The prehearing order also stated that individuals may represent themselves but all others, including a corporation, must be represented by an attorney. C&C NEMT elected to be served by e-service in this proceeding, and the corrected initial hearing notice and prehearing order were served on Applicant by e-service.

On September 10, 2025, I received an e-mail from counsel for Joint Protestants, Tanya Leshko, Esq., stating that settlement discussions between the parties are ongoing and that the parties requested that the hearing be continued to permit negotiations to proceed. The hearing convened on September 10, 2025 as scheduled. No one appeared on behalf of C&C NEMT. Ms. Leshko appeared on behalf of the Joint Protestants.

Section 5.483 of the Commission's regulations provides presiding officers with the authority to regulate the course of proceedings. 52 Pa.Code § 5.483(a). Presiding officers are required to conduct fair and impartial hearings and maintain order. 52 Pa.Code § 5.485(a). Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this title or by order of the Commission or presiding officer, shall be by motion in writing, timely filed with the Commission, stating the facts on which the application rests. 52 Pa.Code § 1.15(b). Only for good cause shown will requests for continuance be considered. *Id.* Furthermore, the Commission's regulations are to be liberally construed to secure the just, speedy and inexpensive determination of every action or proceeding and the presiding officer may, at any stage, disregard an error or defect of procedure which does not affect the substantive rights of parties. 52 Pa.Code § 1.2(a).

A representative for C&C NEMT did not appear at the September 10, 2025 hearing, despite receiving proper notice, and a formal continuance request was not properly filed. However, for the reasons discussed below, I continued the evidentiary hearing on September 10,

2025, to provide C&C NEMT thirty days to have an attorney enter his or her appearance on C&C NEMT's behalf to pursue the Application at a formal hearing.

Although C&C NEMT did not formally request a continuance, and its failure to appear at the September 10, 2025 hearing was not excused, the Joint Protestants agreed to a continuance. Therefore, pursuant to 52 Pa.Code § 1.2(a), I continued the September 10, 2025 proceeding to provide C&C NEMT an additional opportunity for a rescheduled hearing. However, as explained below, a hearing will only be rescheduled once an attorney enters his or her appearance on behalf of Applicant in this proceeding.

Commission regulations allow protests to applications. 52 Pa. Code §§ 5.1, 5.51-5.53. A protest creates an adversarial proceeding. 52 Pa. Code § 1.8. Once the Joint Protest was filed this proceeding became adversarial and the Commission requires a corporation, i.e., C&C NEMT, to be represented by counsel in an adversarial proceeding. 52 Pa.Code § 1.21; *see Pa. Pub. Util. Comm'n v. Harrisburg City Cab, Inc., t/d/b/a Harrisburg City Cab & Liberty Cab*, Docket No. C-2019-3015167 (Opinion and Order entered July 6, 2020); *Cars R Us c/o Holman Copeland v. Phila. Gas Works*, Docket No. C-2008-2033437 (Opinion and Order entered February 4, 2010); *Torino Inc. v. PECO Energy Co.*, Docket No. C-2008-2034595 (Opinion and Order entered February 2, 2010); *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket Nos. C-2008-2065498 & C-2008-2079076 (Order entered June 24, 2009).

Without counsel, C&C NEMT will be unable to pursue its Application at a formal evidentiary hearing. Therefore, if C&C NEMT wishes to pursue its Application at a formal hearing, C&C NEMT is ordered to have an attorney enter his or her appearance on its behalf within thirty calendar days of this order.² A formal hearing will be rescheduled if an attorney enters his or her appearance on behalf of C&C NEMT. If an appearance is not entered within thirty calendar days, the Application may be dismissed.

In the interim, the parties are encouraged to continue to pursue settlement discussions. The Commission strongly encourages settlement. 52 Pa.Code § 5.231(a). An

² Representation before the Commission is governed by 52 Pa. Code §§ 1.21-1.27.

A-2025-3055256 - APPLICATION OF C & C NEMT, LLC FOR THE RIGHT TO BEGIN TO TRANSPORT, AS A COMMON CARRIER, BY MOTOR VEHICLE, PERSONS IN PARATRANSIT SERVICE, FROM POINTS IN THE COUNTIES OF BERKS, BUCKS, LEHIGH, MONTGOMERY, AND NORTHAMPTON, TO POINTS IN PENNSYLVANIA, AND RETURN.

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Served via eService September 10, 2025

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