



CORY A. LESHNER, ESQUIRE

E-MAIL: CALeshner@mette.com

November 8, 2025

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

RE: BIE v. Good Cab, LLC Docket No. C-2022-3029079

Secretary Homsher:

Enclosed for electronic filing, please find the Petition for Review of Staff Action and *nunc pro tunc* relief of Good Cab, LLC regarding PUC Docket No. C-2022-3029079. This filing has been served on all parties of record in accordance with the Commission's Rules of Practice, as evidenced by the attached Certificate of Service.

As always, if you would like to discuss this matter further, please do not hesitate to contact me.

Sincerely,

/s/Cory A. Leshner

Cory A. Leshner, Esquire
Attorney for Good Cab, LLC

Encl(s).
CAL/cal
cc: Grant Rosul, Esq. (via email)

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	
		Docket No. C-2022-3029079
Bureau of Investigation and Enforcement	:	A-632578
	:	
v.	:	
	:	
Good Cab, LLC		

PETITION FOR RECONSIDERATION FROM STAFF ACTION AND FOR *NUNC PRO TUNC* ISSUANCE OF A STAY OF COMMISSION ORDER DATED SEPTEMBER 25, 2025

TO THE PENNSYLVANIA PUBLIC UTILITY COMMISSION:

Good Cab, LLC (“Good Cab”), by and through its undersigned counsel, and pursuant to the provisions of 52 Pa. Code §5.44 files this Petition for Reconsideration from Staff Action. Good Cab respectfully request that the Commission reconsider the Staff Action taken October 28, 2025 insofar as the Secretary issued a Cancellation of Good Cab’s Certificate of Public Convenience and to grant Good Cab’s *nunc pro tunc* request for a stay of the Commission’s September 25, 2025 Order. In support of this petition and the requested relief, Good Cab states as follows:

1. Good Cab was issued a certificate of public convenience to transport as a common carrier, by motor vehicle, persons in call or demand service on June 22, 2005 at PUC number A-632578.

2. On or about February 14, 2022, the Commission, via the Bureau of Investigation and Enforcement issued a formal complaint (C-2022-3029079) against Good Cab for several violations including:

- a. failing 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);
 - b. allowing 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
 - c. failing to require the employee drivers to maintain log sheets for all trips in violation of 52 Pa Code §29.313(c).
3. The Complaint requested that the Commission issue a fine to Good Cab in the amount of \$1,800.00 for the above referenced violation and order such other remedy that the Commission may deem appropriate.
4. The above matter was consolidated with a complaint against Best Taxi, LLC docketed at C-2022-3029070.
5. Following consolidation, the parties engaged in extensive litigation related to whether 52 Pa. Code § 29.505(b) is facially unconstitutional.
6. Ultimately ALJ Gail M. Chiodo issued an Initial Decision on June 18, 2025 holding that the taxi companies lacked standing to contest the constitutionality of 52 Pa. Code § 29.505(b).
7. Good Cab filed exceptions on July 18, 2025 which were deemed to be untimely.
8. On September 25, 2025, the Commission issued an Opinion and Order adopting the ALJ's Initial Decision and holding that Good Cab does not have standing to contest the constitutionality of 52 Pa. Code § 29.505(b).

9. The Order provided that the fines imposed in the amount of \$1,800 were to be remitted within 30 days or else Good Cab could face suspension or cancellation of its certificate.
10. On October 7, 2025, Good Cab submitted a Petition for Review to the Commonwealth Court and docketed notice of appeal to the docket referenced above.
11. Good Cab did not file a request to stay the Commission's September 25, 2025 Order.
12. On October 28, 2025, Good Cab received notice that the Secretary had cancelled Good Cab's certificate of public convenience thereby denying Good Cab the ability to continue to operate as a call or demand carrier.
13. Good Cab's appeal to the Commonwealth Court was timely filed so as to preserve further review of the issues that had been subject to litigation before the Commission since 2022.
14. It is of note, that the primary justification proffered by the Commission as to Good Cab's lack of standing was that Mr. Ahmed, the owner of Good Cab, was not prevented from pursuing ownership and operation of Good Cab as a result of the challenged regulation.
15. Of course, now that Good Cab's certificate of public convenience has been cancelled, Mr. Ahmed can no longer operate Good Cab as a call or demand carrier.
16. Good Cab would respectfully request that the Commission rescind the Cancellation Notice issued October 28, 2025 and reinstate Good Cab's certificate of public convenience.
17. Good Cab would further request that the Commission grant its *nunc pro tunc* request for a stay of the Commission's September 25, 2025 Order pending the outcome of appeal in this matter.
18. This Commission has indicated that the grant of a stay is warranted if:
 - (1). The petitioner makes a strong showing that he is likely to prevail on the merits.

(2). The petitioner has shown that without the requested relief, he will suffer irreparable injury.

(3). The issuance of a stay will not substantially harm other interested parties in the proceedings.

(4). The issuance of a stay will not adversely affect the public interest.

Pennsylvania Pub. Util. Comm'n v. Vacation Charters, Ltd., 70 Pa. P.U.C. 439 (Aug. 17, 1989)

19. There is no doubt that Petition will suffer irreparable harm if the stay is not granted as the Secretary has cancelled its certificate of public convenience and essentially put Good Cab out of business. Without a *nunc pro tunc* stay and reinstatement, Good Cab will suffer significantly insofar as its will not be able to continue to operate during the pendency of the appeal.

20. The issuance of the stay will not harm the other parties. This matter has been pending and subject to litigation since 2022 without harm to anyone. Further delay to permit an appeal will not harm Good Cab or the Commission.

21. The issuance of the stay will not harm the public. Again, this complaint has been pending since 2022 without effect to the traveling public. If anything the stay would benefit the public by permitting Good Cab to continue to operate while the Court's make a determination of this issue of great importance.

22. Circling back to the first criteria for imposition of a stay, Petitioner would argue that it has made a strong showing that it can succeed on the merits.

23. Good Cab has brought a facial challenge to the regulation at issue¹ and asserts that it has standing due the fact that the regulation at issue can only be enforced against the carrier.
24. The Commission held that the ALJ's decision on standing was accurate because the application of the regulation did not prevent Good Cab from operating as a certificated carrier.
25. However, following the Secretary's cancellation of Good Cab's certificate of public convenience, circumstances have changed.
26. Now, enforcement of the regulation that Good Cab challenges has in fact resulted in Good Cab as a carrier suffering the consequence of an inability to continue to operate as a certificated carrier.
27. It was this consequence that Good Cab argued provided it standing in the first place².
28. Good Cab believes and therefore avers that given the change in circumstances, it has made a strong showing that it possesses the requisite standing to challenge the regulation at issue.
29. Further, Good Cab believes that on the merits, if the standing issue is resolved in its favor, Good Cab will likely succeed.
30. 52 Pa. Code §29.505(b) 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

¹ It is of note that both the ALJ and the Commission in its 9/25/25 Order acknowledge that Carrier likely has standing to pursue an as applied challenge.

² Specifically, a party has standing to sue if he or she has a substantial, direct, and immediate interest in the subject matter of the litigation. *Wm. Penn Parking Garage, Inc. v. City of Pittsburgh*, 346 A.2d 269, 280 (Pa. 1975) "A 'substantial' interest is an interest in the outcome of the litigation which surpasses the common interest of all citizens in procuring obedience to the law. A 'direct' interest requires a showing that the matter complained of caused harm to the party's interest. An 'immediate' interest involves the nature of the causal connection between the action complained of and the injury to the party challenging it, and is shown where the interest the party seeks to protect is within the zone of interests sought to be protected by the statute or constitutional guarantee in question." *S. Whitehall Twp. Police Serv. v. S. Whitehall Twp.*, 555 A.2d 793, 795 (Pa. 1989)

individuals. Therefore, the regulation at issue is subject to a rational basis scrutiny.
Nixon v. Com., 839 A.2d 277, 288 (Pa. 2003).

31. “Under the “plainly legitimate sweep” standard, a statute is only facially invalid when its invalid applications are so real and substantial that they outweigh the statute's “plainly legitimate sweep.” *Clifton v. Allegheny County*, 969 A.2d 1197, 1223 n. 37 (Pa. 2009).
32. “Stated differently, a statute is facially invalid when its constitutional deficiency is so evident that proof of actual unconstitutional applications is unnecessary.” *Peake v. Com.*, 132 A.3d 506, 517 (Pa.Cmwlth. 2015).
33. 52 Pa. Code §29.505(b) creates a categorical ban against the hiring of drivers with certain past criminal history. The regulation creates three categories, a 7 year ban, a 10 year ban, and a lifetime ban, based solely upon the criminal history of the applicant driver.
34. Of note, 52 Pa. Code §29.505(b) provides 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. Further, the regulation does not provide a carrier with any discretion to determine if the prior conviction of the proposed driver renders him incapable of safely operating in call or demand service.
35. Of course, as the scenario has now completely played out, the effect on Good Cab’s ability to operate as a call or demand carrier is direct.
36. Good Cab believes and therefore avers that it meets all of the criteria for the Commission to issue a stay of the imposition of its September 25, 2025 Order.

WHEREFORE, for all of the foregoing reasons, Good Cab, LLC respectfully requests that the Commission rescind the Cancellation Notice issued October 28, 2025 and reinstate Good Cab's certificate of public convenience. It is further requested, that the Commission issue a stay of the effect of its September 25, 2025 Order pending resolution of Good Cab's timely filed appeal.

Respectfully submitted:

Mette, Evans & Woodside

By: /s/ Cory A. Leshner
Cory A. Leshner, Esquire
ID # 310377
caleshner@mette.com
3401 N. Front Street
Harrisburg, PA 17110

Attorney for Good Cab, LLC

Dated: November 08, 2025

VERIFICATION

I, Maher Saber, General Manager of Good Cab, LLC hereby verify that the statements made in the foregoing *Petition* are true and correct to the best of my knowledge, information and belief. I understand that the statements in the foregoing document are made subject to the penalties of 18 Pa.C.S. §4909 relating to unsworn falsification to authorities.

11/08/2025

/s/ Maher Saber

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Pennsylvania Public Utility Commission	:	
	:	Docket No. C-2022-3029079
Bureau of Investigation and Enforcement	:	A-632578
	:	
v.	:	
	:	
Good Cab, LLC	:	

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Petition of Good Cab, LLC has been duly served upon the persons listed, by electronic mail, in accordance with the provisions of 52 Pa. Code §1.54:

VIA EMAIL:

Grant Rosul, Prosecutor
Pennsylvania Public Utility Commission
Bureau of Investigation and Enforcement
Commonwealth Keystone Building
400 North Street, 3rd Floor
Harrisburg, PA 17120
grosul@pa.gov

Via E-Filing

Matthew Homsher, Secretary
Pennsylvania Public Utility Commission
P.O Box 3265
Harrisburg, PA 17105-3265

Mette, Evans & Woodside

By: /s/ Cory A. Leshner