

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Lulu Transportation, LLC :  
for the right to transport, as a common carrier, :  
by motor vehicle, persons in paratransit service, :  
from points in the Counties of Bucks, Chester, : A-2025-3055626  
Delaware, and Montgomery, as well as the :  
City and County of Philadelphia, to points in :  
Pennsylvania, and return. :

**ORDER REASSIGNING APPLICATION**

On June 5, 2025, Lulu Transportation, LLC (Applicant) filed an Application with the Pennsylvania Public Utility Commission (Commission) for the right to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the counties of Bucks, Chester, Delaware, and Montgomery, as well as the City and County of Philadelphia, to points in Pennsylvania, and return. The Commission caused notice of this Application to be published in the June 28, 2025, *Pennsylvania Bulletin* at, 55 Pa.B. 4506, specifying a deadline of July 14, 2025, for filing protests.

On July 14, 2025, Bucks County Transport, Inc., Bux-Mont Transportation, Inc., Easton Coach Company, Suburban Transit Network, Inc., and Tri County Transit Service, Inc. (collectively, the Joint Protestants) filed a Joint Protest to the Application.

By Initial Call-In Telephone Hearing Notice dated August 12, 2025, the Commission scheduled a telephonic hearing on this matter for October 14, 2025, at 10:00 a.m., and assigned the case to me.

A Prehearing Order was issued on August 12, 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 August 14, 2025, Applicant submitted “Corrections to main application,” in the form of a response to a previous data request from the Commission, in which the Applicant stated for the first time that it intends to provide transportation from points within the City and County of Philadelphia to points within the Commonwealth of Pennsylvania and return, for non-emergency medical paratransit purposes.

On the morning of October 14, 2025, Joint Protestants filed a Notice of Withdrawal of Joint Protest explaining that they were unaware of the change to the requested scope of authority.

The initial hearing convened as scheduled on October 14, 2025. Tanya Leshko, Esq. appeared representing the Joint Protestants. The Applicant failed to appear at the hearing. The Applicant was given an additional 20 minutes but failed to join the hearing. During the hearing, counsel for the Joint Protestants discussed the layout of the newly requested service territory and requested additional time to work on a Restrictive Amendment with the Applicant. Her requested was granted.

On October 29, 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:

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

Restrictive Amendment ¶ 1. Based upon this 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 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 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 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 Restrictive Amendment ¶ 2. 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 ¶ 4.

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 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 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

The Commission's regulation at 52 Pa. Code § 3.381(c)(1)(iii) provides that if all protests to an application for passenger authority are withdrawn at or prior to the hearing, the Commission may consider the application without holding an oral hearing, based on verified statements filed by the applicant. Since no protests other than that filed by the Joint Protestants were filed to Luly Transportation, LLC's Application, this matter shall be referred to the Commission's Bureau of Technical Utility Services for further review under the procedure set forth at 52 Pa. Code § 3.381(c)(1)(iii).

ORDER

THEREFORE,

IT IS ORDERED:

1. That the Application of Lulu Transportation, LLC, Docket No. A-2025-3055626, is reassigned from the Pennsylvania Public Utility Commission's Office of Administrative Law Judge to the Pennsylvania Public Utility Commission's Bureau of Technical Utility Services for review pursuant to 52 Pa. Code §3.381(c)(1)(iii).

Date: November 17, 2025

/s/

Eranda Vero  
Administrative Law Judge

**A-2025-3055626 - APPLICATION OF LULU TRANSPORTATION LLC FOR APPROVAL TO PROVIDE PARATRANSIT SERVICE WITHIN THE CITY AND COUNTY OF PHILADELPHIA TO POINTS IN MONTGOMERY, BUCKS, CHESTER, DELAWARE AND BERKS COUNTIES FOR THE PURPOSE OF TRANSPORTING INDIVIDUALS FOR NON-EMERGENCY MEDICAL PARATRANSIT PURPOSES.**

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Served via eService –November 17, 2025

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*(Counsel for the Joint Protestant's)*