

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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|---|---|----------------|
| Pennsylvania Public Utility Commission, | : |                |
| Bureau of Investigation and Enforcement | : |                |
|   | : |                |
| v.                                      | : | C-2025-3051758 |
|   | : |                |
| Quentin Kurt West t/a                   | : |                |
| Checker Premium Rideshare               | : |                |

**INITIAL DECISION**

Before  
Chad L. Allensworth  
Administrative Law Judge

**INTRODUCTION**

This decision sustains the Formal Complaint by the Commission’s Bureau of Investigation and Enforcement alleging that Respondent improperly had an illuminated roof light on his vehicle and offered to transport passengers for compensation without authority or a certificate of public convenience from the Commission. A civil penalty in the amount of \$200.00 is hereby imposed.

**HISTORY OF THE PROCEEDING**

On January 15, 2025, the Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement (“I&E”) filed a Formal Complaint (“complaint”) with the Pennsylvania Public Utility Commission (“Commission”) against Quentin Kurt West

t/a<sup>1</sup> Checker Premium Rideshare (“Respondent”). The complaint alleged that Respondent was: (a) operating a motor vehicle with a yellow roof light with the word “available” on his vehicle; and (b) operating a vehicle for the purpose of transporting passengers for compensation without authority or a certificate of public convenience from the Commission in violation of the Pennsylvania Public Utility Code (“Code”). Complaint ¶¶ 2-6. The complaint sought a civil penalty of \$1,000.00. Complaint ¶ 6.

On January 22, 2025, Respondent filed an answer<sup>2</sup> denying the material averments of the complaint.

On July 1, 2025, an Initial In-Person Hearing Notice was issued scheduling an in-person hearing in Harrisburg, PA for September 9, 2025.

On July 2, 2025, a Prehearing Order was issued setting forth general rules that would govern the September 9, 2025 in-person hearing.

On July 24, 2025, I&E filed a Motion for Telephonic Testimony of Witnesses (“I&E Motion”) that sought to allow its two witnesses to present their testimony by telephone for the scheduled in-person hearing. The I&E Motion included a notice to plead that gave Respondent 20 days to respond.

Respondent failed to file a timely response to the I&E Motion.

On August 14, 2025, an Interim Order was issued granting the I&E Motion thereby allowing its two witnesses to present their testimony by telephone with the parties still being required to appear in person.

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<sup>1</sup> “t/a” stands for “trading as”.

<sup>2</sup> Respondent filed his answer in letter format with no enumerated paragraphs.

On August 20, 2025, Respondent filed an unopposed request for a telephonic hearing that sought to convert the hearing from in-person to telephonic.

On August 26, 2025, a Hearing Type Change Notice was issued converting the hearing scheduled for September 9, 2025 from in-person to telephonic. Also, on August 26, 2025, a Prehearing Order was issued setting forth the general rules that would govern the September 9, 2025 hearing.

The hearing was convened as scheduled by telephone on September 9, 2025. I&E appeared at the hearing represented by Samantha N. Barbush, Esq. and Colby B. Widdowson, Esq. Respondent appeared pro se. I&E presented the testimony of two witnesses who sponsored two I&E exhibits, which were comprised of five photos and a warning letter sent to Respondent. Both of I&E's exhibits were admitted into evidence. Also, at I&E's request, official notice was taken of a prior Formal Complaint with this Respondent in the matter of *Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Quentin Kurt West* at Docket No. C-2023-3043478.<sup>3</sup> Respondent testified on behalf of himself and sponsored two exhibits<sup>4</sup>, which comprised of two photos and Respondent's Uber work profile. Both of Respondent's exhibits were admitted into evidence.

The record closed on September 29, 2025, when the 82-page transcript was filed with the Commission.

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<sup>3</sup> I&E withdrew the Formal Complaint filed in this matter and the case was closed before assigned to the Office of Administrative Law Judge. Tr. 32.

<sup>4</sup> Respondent's Exhibits A and B are combined on one page.

## FINDINGS OF FACT

1. Complainant is the Commission's Bureau of Investigation and Enforcement.
2. Respondent is Quentin Kurt West t/a Checker Premium Rideshare with a mailing address of 7 East Marshall Avenue, Pittsburgh, PA 15214. Tr. 38-39.
3. Respondent has no criminal history and a positive driving record. Tr. 39.
4. Mia Fuller ("Officer Fuller") has been employed as an enforcement officer for the Commission's Motor Carrier Services since 2022 and her responsibilities include overseeing motor carriers of property, passenger etc. to ensure that carriers are complying with the Code and Commission regulations as well as investigating those jitney/carriers operating without a Certificate of Public Convenience ("certificate"). Tr. 12-14.
5. Ryan Balestra ("Supervisor Balestra") has been employed with the Commission as an enforcement officer for 13 years and currently as a supervisor for the past nine months with duties that include management of enforcement officers who investigate jitney/motor carriers operating without a certificate and other investigative/enforcement actions under the Code, Commission regulations, the Pennsylvania Vehicle Inspection Code, the Pennsylvania Vehicle Code and the Code of Federal Regulations for motor carriers. Tr. 22-23.
6. On October 16, 2024, Officer Fuller and Supervisor Balestra had an encounter with Respondent where they observed him operating a red 2020 Nissan

Maxima (“Respondent’s vehicle”) outside of a casino and near a concert venue. Tr. 14, 24.

7. Officer Fuller took photographs of Respondent and Respondent’s vehicle on October 16, 2024. Tr. 15-16, 18, 24; I&E Exhibit 1.

8. On October 16, 2024, Respondent’s vehicle displayed a roof/dome light that read “Uber” and “available” and the side of the vehicle read “Checker Premium Rideshare.” Tr. 14-15, 24; I&E Exhibit 1.

9. Respondent’s vehicle did not have any visible transportation network company/carrier (“TNC”) decals and specifically no Uber light was visible in the front window on October 16, 2024. Tr. 15, 26-27, 34.

10. Uber is a registered TNC. Tr. 68.

11. Respondent did not approach or solicit Officer Fuller or Supervisor Balestra on October 16, 2024. Tr. 18-19, 34.

12. Supervisor Balestra approached Respondent on October 16, 2024 and solicited a ride from him going from Stage AE of the concert area to the Hofbräuhaus in South Side, both of which are in Allegheny County, Pennsylvania. Tr. 24.

13. Respondent quoted Supervisor Balestra a meter price of approximately \$25.00 to \$30.00 for the proposed ride. Tr. 19-20, 24-26.

14. Supervisor Balestra did not see a meter on Respondent’s vehicle on October 16, 2024. Tr. 34, 36.

15. Physical meters for regulated carriers are typically in the front near the radio area of a vehicle, but there is one company that has been approved for a soft meter that would be only on a phone or tablet. Tr. 35-36.
16. Respondent is not approved for a soft meter. Tr. 36.
17. The roof/dome light on top of Respondent's vehicle was lit up at the time Supervisor Balestra spoke with Respondent. Tr. 25.
18. A lit roof/dome light in the taxi business signals that the vehicle is available for pickup. Tr. 26.
19. Respondent never advised Supervisor Balestra that he was a TNC driver or that he was waiting for another passenger. Tr. 26.
20. Respondent did not request that Supervisor Balestra use a TNC rideshare app to request transport nor was Supervisor Balestra logged into any rideshare app. Tr. 26.
21. Respondent did not advise Supervisor Balestra that the quoted prices of \$25.00 to \$30.00 dollars was based on a rideshare app. Tr. 26, 35.
22. Respondent did not accept the trip or any payment from Supervisor Balestra on October 16, 2024. Tr. 34.
23. Neither Officer Fuller nor Supervisor Balestra rode with Respondent to the proposed location in exchange for compensation because that is against Commission policy. Tr. 20, 26-27.

24. Respondent was not cited or fined on October 16, 2024. Tr. 35.

25. Respondent has never had a Commission certificate or authority authorizing him to transport passengers for compensation. Tr. 27-28.

26. Respondent was subsequently mailed a cease-and-desist letter for the October 16, 2024 incident advising him that he needs a certificate or authority from the Commission prior to transporting passengers for compensation. Tr. 28-29.

27. Respondent was previously issued a cease-and-desist letter, on May 30, 2023, for a January 3, 2023 incident advising him that he needs a certificate or authority from the Commission to transport passengers for compensation. Tr. 29; I&E Exhibit 2.

28. Respondent is an Uber driver and he has been on the Uber app for approximately nine years as an active driver. Tr. 39, 60; Respondent Exhibit B.

29. Checker Premium Rideshare is not registered on Uber. Tr. 54.

30. Respondent works approximately 60 to 80 hours a week as a driver and had driven approximately 6,684 vehicle trips as an Uber driver with a rating of 4.98 at the time of the hearing. Tr. 39; Respondent Exhibit B.

31. Respondent has a light on his car, which reads "Uber available" to make himself visible to customers. Tr. 39-40; Respondent Exhibit A.

32. Uber does not provide roof lights to its drivers and did not provide the roof light to Respondent. Tr. 52, 67.

33. Respondent previously had a light on his car that said, “Checker available.” Tr. 51-52.

34. Checker Premium Rideshare is a brand name that Respondent uses for marketing to stand out. Tr. 57, 60.

35. Checker Premium Rideshare is not registered as a TNC. Tr. 61.

36. Respondent’s vehicle does not say “taxi” anywhere on it. Tr. 62.

37. Respondent’s vehicle depicts a photo of a standard taxi on the Checker Premium Rideshare decal. I&E Exhibit 1.

38. Respondent will allow the party to sit in his car while they hire him to get out of the cold, rain, snow etc. Tr. 40, 42.

39. Respondent’s vehicle has stickers that say “premium ride share” because he has a high-end car. Tr. 42, 56.

40. Respondent does not have any visible Uber decals/stickers on the front or back windows. Tr. 54-55; Respondent’s Exhibit A.

41. Uber provides the insurance for any rides booked through Uber. Tr. 41, 43, 51.

42. Respondent acknowledges that he had an illuminated light on his vehicle on October 16, 2024. Tr. 44.

43. Respondent admits that he violated the Code by having a light on top of Respondent's vehicle. Tr. 69-70.

44. Respondent was not acting in his capacity as an Uber driver during his meeting with Supervisor Balestra and Officer Fuller. Tr. 13-62.

## DISCUSSION

### **Jurisdiction and Authority**

Section 501 of the Public Utility Code ("Code") grants the Commission authority to supervise and regulate all public utilities doing business in the Commonwealth and requires all public utilities to comply with regulations and orders. 66 Pa.C.S. § 501. Section 701 of the Code grants the Commission jurisdiction and authority to file a complaint against a public utility for violation of the Code, any regulation or order of the Commission. 66 Pa.C.S. § 701. Section 1101 of the Code provides that it shall be unlawful for a proposed public utility to begin to offer, render, furnish, or supply service within the Commonwealth prior to approval of its application. 66 Pa.C.S. § 1101.

I&E is the Commission's bureau established to take enforcement actions against public utilities and other entities subject to the Commission's jurisdiction. 66 Pa.C.S. § 308.2(a)(11); *see also Implementation of Act 129 of 2008; Organization of Bureaus and Offices*, Docket No. M-2008-2071852 (Opinion and Order entered Aug. 11, 2011) (delegating authority to initiate proceedings that are prosecutory in nature to I&E).

The Commission has authority to hear and determine complaints for unauthorized operation by motor carriers pursuant to Section 3310 of the Code. 66 Pa.C.S. § 3310. Section 3310 provides in pertinent part as follows:

**(a) General rule.**--Any person or corporation operating as a motor carrier or as a common carrier by airplane, and any operator or employee of such carrier, and any person or corporation operating as a broker, without a certificate of public convenience, permit or license, authorizing the service performed, as required by this part, shall be guilty of a summary offense, and any subsequent offense by such person or corporation shall constitute a misdemeanor of the third degree.

66 Pa.C.S. § 3310(a).

Section 4307 of the Vehicle Code provides in pertinent part as follows:

**(a) General rule.**--Except as otherwise provided in this section, no vehicle shall bear or display any illuminated signs, letters, numerals or figures of any kind whatsoever.

\* \* \*

**(c) Taxicabs.**--A taxicab may carry on the rear or the top of the vehicle illuminated signs placed so as not to interfere with the vision of the driver through the rear window of the vehicle. The size and placement of the sign must receive approval of the department or be a type approved by the department prior to use on the vehicle.

**(c.1) Transportation network company driver.**--Notwithstanding any other provision of law or regulation to the contrary, but subject to 53 Pa.C.S. § 57A01 (relating to definitions), a Transportation Network Company Driver may display an illuminated sign provided by a Transportation Network Company within the interior of his or her vehicle so long as such sign is approved by the Pennsylvania Public Utility Commission or the Philadelphia Parking Authority, as applicable. The Transportation Network Company shall file the illuminated sign with the Pennsylvania Public Utility Commission for review and approval. If the Pennsylvania Public Utility Commission does not approve the illuminated sign, the Philadelphia Parking Authority may approve the illuminated sign within their jurisdiction, after the

Transportation Network Company files the illuminated sign with the Philadelphia Parking Authority for review and approval. The Pennsylvania Public Utility Commission and the Philadelphia Parking Authority shall each have 15 business days to review the illuminated sign, as applicable.

75 Pa.C.S. § 4307.

Section 2605(b) of the Code provides in pertinent part as follows:

**(b) Requirements for transportation network company drivers.**--A transportation network company driver must:

\* \* \*

(7) Only accept a ride arranged through a digital network. Transportation network company drivers may not solicit or accept street hails or telephone calls requesting transportation network service.

(7.1)(i) Not operate or cause to be operated a personal vehicle affiliated with the transportation network company in any area where the operation of the vehicle is prohibited by law, including any area at a commercial service airport.

(ii) Nothing in this paragraph shall be construed to limit the ability of a municipality or other governing authority that owns or operates a commercial service airport from adopting contracts or regulations relating to the duties and responsibilities of a transportation network company, transportation network company driver or transportation network service on airport property.

(iii) For purposes of this paragraph, the term “**commercial service airport**” shall have the same meaning as provided under 49 U.S.C. § 47102 (relating to definitions).

(8) Display a commission-approved removable placard or decal provided by the transportation network company on

the automobile at any time the driver is logged on to the digital network or is offering or providing a prearranged ride under this chapter. Placards or other markings must be clearly distinguishable to identify that a particular vehicle is associated with a particular transportation network company and be sufficiently large and color contrasted to be readable during daylight hours at a distance of at least 50 feet.

66 Pa.C.S. § 2605(b)(7)-(8)(emphasis in original).

### **Burden of Proof**

I&E, as the party seeking affirmative relief from the Commission, bears the burden of proof in this matter. 66 Pa.C.S. § 332(a). I&E must establish that Respondent has in some manner violated the provisions of the Code, Commission regulations or other relevant law. 66 Pa.C.S. § 332(a).

The term “burden of proof” means a duty to establish a fact by a preponderance of the evidence. *Se-Ling Hosiery v. Margulies*, 70 A.2d 854 (Pa. 1950)(“*Se-Ling Hosiery*”); *Feinstein v. Phila. Suburban Water Co.*, 50 Pa. PUC 300 (Oct. 6, 1976). The term “preponderance of the evidence” means one party must present evidence which is more convincing, by even the smallest amount, than the evidence presented by the other party. *Se-Ling Hosiery*. Accordingly, one must review the record in this case to determine whether I&E has satisfied its burden of proof. If the review indicates the burden has been satisfied, one must then determine whether Respondent has submitted evidence of co-equal value or weight to refute I&E’s evidence. If this has occurred, the burden of proof cannot be satisfied, unless the party bearing the burden of proof presents additional evidence. *Morrissey v. Pa. Dept. of Highways*, 225 A.2d 895 (Pa. 1967); *Burleson v. Pa. Pub. Util. Comm’n*, 443 A.2d 1373 (Pa. Cmwlth. 1982), *affirmed*, 461 A.2d 1234 (Pa. 1983).

While the burden of persuasion may shift back and forth during a proceeding, the burden of proof never shifts. The burden of proof always remains on the party seeking affirmative relief from the Commission. *Milkie v. Pa. Pub. Util. Comm'n*, 768 A.2d 1217 (Pa. Cmwlth. 2001).

Furthermore, one must exercise care to ensure the decision of the Commission is supported by substantial evidence in the record. *See, e.g.*, Section 704 of the Administrative Agency Law, 2 Pa.C.S. § 704; *Yellow Cab Co. v. Pa. Pub. Util. Comm'n*, 524 A.2d 1069 (Pa. Cmwlth. 1987). The Pennsylvania appellate courts have defined the term “substantial evidence” to mean such relevant evidence that a reasonable mind may accept as adequate to support a conclusion. More is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Ry. Co. v. Pa. Pub. Util. Comm'n*, 413 A.2d 1037 (Pa. 1980); *Erie Resistor Corp. v. Unemployment Comp. Bd. of Review*, 166 A.2d 96 (Pa. Super. 1961); and *Murphy v. Pa. Dept. of Public Welfare, White Haven Center*, 480 A.2d 382 (Pa. Cmwlth. 1984).

### **Weight and Credibility of Testimony**

The issue of credibility of witnesses in an evidentiary proceeding before the Commission falls within the purview of the administrative law judge. *App. of JET Sedan Services, LLC*, Docket No. A-2009-2120781 (Opinion and Order entered Aug. 23, 2010). Some factors to be considered in considering the credibility of witnesses are the manner of testifying, apparent candor, intelligence, personal intent and bias, or lack of bias. *Danovitz v. Portnoy*, 161 A.2d 146 (Pa. 1960).

In determining the weight to be attached to the testimony of a witness, it is proper to consider appearance, general bearing, conduct on the stand, demeanor, manner of testifying, such as candor or frankness, or the clearness of his statement, and even the

intonation of in the witness' voice. *Id.* As such, the positiveness of a witness, as well as any uncertainty as to the facts as to which testimony is given, may be considered. *Id.*

## **Analysis**

### **Roof/Dome Light**

Officer Fuller and Supervisor Balestra both testified to the facts in the case consistently, intelligently and with apparent candor and supported their testimony with photographic evidence. As such, I find the testimony of both Officer Fuller and Supervisor Balestra to be credible and due appropriate weight.

Officer Fuller and Supervisor Balestra both provided credible testimony that Respondent was operating Respondent's vehicle on October 16, 2024 outside of a casino and near a concert venue. Tr. 14, 24. Officer Fuller and Supervisor Balestra further testified and provided corroborating photographic evidence that Respondent's vehicle had an illuminated roof/dome light that stated "UBER" in smaller print and "available" in larger print. Tr. 14-16, 24; 18, 24-25; I&E Exhibit 1.

Respondent did not contest that he had an illuminated roof/dome light on Respondent's vehicle on October 16, 2024 and acknowledged that he committed a violation by having the roof/dome light on his vehicle. Tr. 44, 69-70. Respondent indicates that he lights up the roof/dome light when he is trying to attract customers in a busy area. Tr. 59. Respondent provided photographic evidence of the roof/dome light on Respondent's vehicle and testified that Uber did not provide the roof/dome light in this instance. Tr. 52, 67; Respondent's Exhibit A.

As such, it is uncontested that Respondent was operating Respondent's vehicle on October 16, 2024 outside of a casino and near a concert venue with an

illuminated roof/dome light. Thus, the remaining question on this issue is whether the action constitutes an actionable violation before the Commission.

In its complaint, I&E notified Respondent that the roof/dome light observed on Respondent's vehicle on October 16, 2024 is a violation of the Vehicle Code at Section 4307, 75 Pa.C.S. § 4307. The Commission has previously held that it retains independent authority to enforce the Pennsylvania Department of Transportation's ("PennDOT's") regulations that overlap with the Commission's authority and duty to regulate taxicab services for safety. *Pa Pub. Util. Comm'n, Bur. of Investigation & Enforcement v. Edwards*, Docket No. C-2016-2537014 (Opinion and Order Entered Feb. 8, 2018) ("*Edwards*"). As such, it must also follow that the Commission would also retain independent authority to enforce PennDOT's laws/regulation that overlap with the Commission's authority and duty to regulate TNCs.

Section 4307 of the Vehicle Code authorizes taxicabs to have an illuminated sign on the top of their vehicles and authorizes TNC drivers to display illuminated signs provided by a TNC within the interior of the vehicle if approved by the Commission or Philadelphia Parking Authority. 75 Pa.C.S. § 4307. Neither party contends that Respondent is authorized to work as a taxicab driver. On the contrary, Respondent asserts that he is a driver for a TNC and is specifically not a taxi. Tr. 42. It is uncontested that the "available" sign in this matter was located outside of Respondent's vehicle on the top or roof of the vehicle, which is not permitted for TNC drivers. Furthermore, Respondent admits that he committed a violation by having an illuminated light on top of Respondent's vehicle. Tr. 69-70.

Based on the testimony and evidence presented by I&E along with Respondent's acknowledgement, I find that I&E has met its burden of proof that Respondent violated Section 4307 of the Vehicle Code, 75 Pa.C.S. § 4307, by having an illuminated sign on the roof of Respondent's vehicle on October 16, 2024.

I&E requests that Respondent be directed to cease-and-desist from further violation and any other penalties that could be assessed for this action. Complaint ¶ 5. As the Commission has no authority to impose a civil penalty for a violation of the Vehicle Code, Respondent will be ordered to cease-and-desist from further violations.

### Passenger Transport

As previously indicated herein, I find the testimony of Officer Fuller and Supervisor Balestra to be credible and due appropriate weight in this matter for reasons previously stated. Both Officer Fuller and Supervisor Balestra provided credible testimony and evidence that, on October 16, 2024, Respondent was operating Respondent's vehicle outside of a casino and near a concert venue with and an illuminated "available" sign, a decal on the side of the vehicle that read "Checker Premium Rideshare" with a traditional depiction of a taxicab on the decal and no visible TNC decal or Uber sign on the interior of the vehicle. Tr. 14-16, 18, 24-27, 34; I&E Exhibit 1.

In addition, Supervisor Balestra provided credible testimony that he approached Respondent on October 16, 2024, and he requested transport for which Respondent quoted him an approximate price of \$25.00 to \$30.00 based on a meter. Tr. 24-26. Supervisor Balestra further testified that: (1) he did not see a meter on Respondent's vehicle, (2) Respondent did not ask Supervisor Balestra to hire him through a rideshare app, (3) Respondent never advised Supervisor Balestra that he was a driver for a TNC, (4) Respondent did not advise Supervisor Balestra that the quoted price was based on a rideshare app, (5) an illuminated dome/roof light in the taxi business signals the vehicle is available for pickup, (6) Respondent has never had a certificate or authority from the Commission to transport passengers for compensation, and (7) neither Supervisor Balestra nor Officer Fuller took the transport from Respondent. Tr. 26-27, 34-35. Supervisor Balestra also testified that Respondent was previously issued a cease-

and-desist letter for a January 3, 2023 incident which advised Respondent that he needs a certificate or authority from the Commission to transport passengers for compensation. Tr. 29; I&E Exhibit 2.

Based on I&E's credible testimony and evidence, I&E met its burden of proof that Respondent offered to transport Supervisor Balestra and Officer Fuller on October 16, 2024 in exchange for compensation without a certificate or authority from the Commission and outside the parameters of working for Uber or any other TNC. Thus, Respondent must present evidence of equal or greater value to prevail.

Respondent does not contest that he does not have a certificate or authority from the Commission to transport passengers for compensation. Rather, Respondent argues that he was not required to have a certificate or authority from the Commission because he is an Uber driver and was operating as an Uber driver during the encounter with Supervisor Balestra and Officer Fuller on October 16, 2024. I find Respondent's testimony to be credible in part and not credible in part.

I find Respondent's testimony to be credible where he testifies that Uber is registered as a TNC, he is registered as an Uber driver and he has been an Uber driver for approximately nine years with approximately 6,684 vehicle trips provided. Tr. 39, 60-61. Respondent corroborated his testimony with documentary evidence showing his Uber profile. Respondent Exhibit B. Respondent further credibly testified that he is not registered as a taxi, that Checker Premium Rideshare is a brand name that Respondent uses for marketing to stand out and that "Checker Premium Rideshare" is not registered as a TNC or with Uber. Tr. 54, 60-61. In addition, Respondent credibly testified that he goes to locations that are likely to order rides so he can facilitate customers that like to walk up and book rides, he illuminates his roof/dome light when he is trying to attract customers in a busy area and he had his roof/dome light illuminated on October 16, 2024 when he encountered Supervisor Balestra and Officer Fuller. Tr. 43-44, 48, 59. I find

these portions of Respondent's testimony to be credible based on Respondent's apparent candor, corroboration of these matters by documentary/photographic evidence and the uncontested status of this portion of his testimony.

However, I find part of Respondent's testimony to not be credible. Specifically, Respondent testified that: (1) he requires any party seeking to hire him to hire him through the Uber app, (2) he works strictly through the Uber app, (3) when he quotes a price to people for a transport he is estimating the Uber charge, (4) he has an Uber sign on the front right passenger-side of the windshield on Respondent's vehicle, and (5) he has never charged a taxi fare or exchanged money directly with a customer to transport them. Tr. 40, 49, 50, 58-59. I find these portions of Respondent's testimony to be incredible due to Respondent's failure to corroborate the existence of his Uber sign with his own photographic evidence and the fact that the circumstances on October 16, 2024 do not support his version of the facts. In particular, I find that Respondent's failure to alert Supervisor Balestra that he was acting as an Uber driver either verbally or by interior signage pursuant to 75 Pa.C.S. § 4307 or 66 Pa.C.S. § 2605(b)(8) while still offering to transport him for compensation weakens the credibility of Respondent's testimony. As such, Respondent has failed to successfully rebut the evidence presented by I&E that he was acting outside of the role of a TNC or Uber driver on October 16, 2024.

Therefore, I find that Respondent was acting outside of the role of a driver for a TNC when he offered to transport passengers in exchange for compensation on October 16, 2024 without authority or a certificate of public convenience from the

Commission in violation of Sections 1101 and 3310 of the Code. 66 Pa.C.S. §§ 1101, 3310.

I&E requests a civil penalty of \$1,000.00 and suspension of the vehicle registration by the Pennsylvania Department of Transportation for this violation.

### **Civil Penalty**

As discussed above, I&E carried its ultimate burden of proof in establishing that Respondent violated the Public Utility Code at Section 1101 and 3310, 66 Pa.C.S. §§ 1101, 3310, by offering to transport passengers in exchange for compensation on October 16, 2024. Therefore, the request for a civil penalty must be addressed. Pursuant to Section 3301 of the Code, 66 Pa.C.S. § 3301, the Commission may impose a maximum civil penalty of \$1,000 per day for each violation of the Code, its regulations or its orders. However, certain standards apply when imposing a civil penalty. *Rosi v. Bell Atlantic-Pa., Inc.*, 94 PUC 103 (Feb. 10, 2000).

The *Rosi* factors are generic in nature and apply to all violations of the Public Utility Code, as well as Commission regulations and orders, regardless of utility type. *Pa. Pub. Util. Comm'n v. NCIC Operator Services*, Docket No. M-00001440 (Order entered Dec. 21, 2000). The factors and standards first articulated by the Commission in *Rosi* were published as Policy Statements and Guidelines. *See* 52 Pa. Code § 69.1201. Section 69.1201 applies to both litigated and settled cases involving the calculation of civil penalties. Section 69.201 in part, provides as follows:

- (a) The Commission will consider specific factors and standards in evaluating litigated and settled cases involving violations of 66 Pa.C.S. (relating to Public Utility Code) and this title. These factors and standards will be utilized by the Commission in determining if a fine for violating a

Commission order, regulation or statute is appropriate, as well as if a proposed settlement for a violation is reasonable and approval of the settlement agreement is in the public interest.

(b) Many of the same factors and standards may be considered in the evaluation of both litigated and settled cases. When applied in settled cases, these factors and standards will not be applied in as strict a fashion as in a litigated proceeding. ....

(c) The factors and standards that will be considered by the Commission include the following:

(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.

(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.

In the instant case, the evidence demonstrates that Respondent violated the Public Utility Code at 66 Pa.C.S. §§ 1101, 3310 by offering to transport passengers in exchange for compensation on October 16, 2024. I&E requested a civil penalty of \$1,000.00 for the violation. Considering the above evidence of Respondent's violations, the following determinations are warranted under the *Rosi* factors and standards:

(1) Respondent's conduct in offering to transport passengers in exchange for compensation without authority or a certificate of public convenience was of a serious nature due to the involvement of misrepresentation that he was working under the auspices of a TNC. This factor supports a higher penalty.

(2) Respondent's conduct in offering to transport passengers in exchange for compensation without authority or a certificate of public convenience did not result in consequences that were of a serious nature in that there was no report of a personal injury or property damage. This factor supports a lower penalty.

(3) This was a litigated case. The evidence supports that Respondent's actions were intentional or negligent. This factor supports a higher penalty.

(4) There is no evidence that Respondent has made efforts to modify his practice and procedure of offering to transport passengers in exchange for compensation without authority or a certificate of public convenience. This factor supports a higher penalty.

(5) There is no evidence that other customers were affected by Respondent's violation. As to the duration of the violation, the evidence only supports that Respondent offered to transport passengers in exchange for compensation on October 16, 2024. This factor supports a lower penalty.

(6) In this case, there is evidence that Respondent received a warning for similar behavior in 2023. Thus, he was on specific notice that his actions could constitute a violation. However, there is no evidence to substantiate an actual prior violation or negative compliance history or that this was more than an isolated incident. This factor supports a lower penalty.

(7) There is no evidence of a Commission investigation; therefore, this factor is neutral.

(8) I&E requests a civil penalty in the amount of \$1,000.00 in this matter to deter future violations. I find that a civil penalty in the amount of \$200.00 is reasonable and sufficient to deter future violations by Respondent.

(9) The Commission has previously imposed a civil penalty of \$100.00 for the violation of offering to transport passengers in exchange for compensation without authority or a certificate of public convenience. *Pa. Pub. Util. Comm'n, Bur. of Investigation & Enforcement v. McCree*, Docket No. C-2023-3037385 (Opinion and Order entered Feb. 7, 2025); *Pa. Pub. Util. Comm'n, Bur. of Transp. and Safety v. Briggs*, Docket No. C-2011-2215209 (Opinion and Order entered Aug. 1, 2011). The Commission has also imposed a civil penalty of \$250.00 for similar violation in a different case under slightly different circumstances. *Pa. Pub. Util. Comm'n, Bur. of Investigation and Enforcement v. Edwards*, Docket No. C-2016-2537014 (Opinion and Order entered Feb. 8, 2018).

(10) There are no other relevant factors to consider in this matter.

Based on the aforementioned factors in this case, a civil penalty of \$200.00 is warranted for Respondent offering to transport passengers in exchange for compensation on October 16, 2024.

#### CONCLUSIONS OF LAW

1. The Commission has authority and jurisdiction over the parties and the subject matter of this proceeding. 66 Pa.C.S. §§ 501, 701.

2. The burden of proof in this proceeding is on the Bureau of Investigation and Enforcement as the proponent of an order from the Public Utility Commission. 66 Pa.C.S. § 332(a).

3. A Transportation Network Company Driver may display an illuminated sign provided by a Transportation Network Company within the interior of his or her vehicle so long as such sign is approved by the Pennsylvania Public Utility Commission. 75 Pa.C.S. § 4307.

4. A Transportation Network Company Driver must display a Commission-approved removable placard or decal provided by the transportation network company on the automobile at any time the driver is logged on to the digital network or is offering or providing a prearranged ride under this chapter. 66 Pa.C.S. § 2605(b)(8).

5. It is unlawful for a proposed public utility to begin to offer, render, furnish, or supply service within the Commonwealth prior to having authority from the Commission. 66 Pa.C.S. § 1101.

6. A person or corporation may not operate as a motor carrier without a certificate of public convenience, permit or license, authorizing the service performed. 66 Pa.C.S. § 3310(a).

7. Quentin Kurt West t/a Checker Premium Rideshare violated the Vehicle Code when he operated a vehicle with roof/dome light. 75 Pa.C.S. § 4307.

8. Quentin Kurt West t/a Checker Premium Rideshare violated the Public Utility Code when he agreed to transport people for compensation without having authority or a certificate of public convenience. 66 Pa.C.S. §§ 1101, 2605.

9. The Public Utility Code provides that if any public utility fails to comply with any regulation or final direction, requirement, determination or order made by the Commission, it shall forfeit and pay to the Commonwealth a sum not exceeding \$1,000.00 per day of violation. 66 Pa.C.S. § 3301(a).

10. The Commission is authorized to consider and impose civil monetary penalties for violations of the Public Utility Code after evaluation of specific factors. 52 Pa. Code § 69.1201; *Rosi v. Bell-Atl. – Pa., Inc. and Sprint Comms., L.P.*, Docket No. C-00992409 (Opinion and Order entered Mar. 16, 2000).

11. A civil penalty of \$200 is reasonable under the applicable standards. 52 Pa. Code § 69.1201.

### ORDER

THEREFORE,

IT IS ORDERED:

1. That the Formal Complaint of the Pennsylvania Public Utility Commission, Bureau of Investigation and Enforcement v. Quentin Kurt West t/a Checker Premium Rideshare at Docket No. C-2025-3051582 is sustained.

2. That Quentin Kurt West t/a Checker Premium Rideshare is hereby assessed a civil penalty of \$200.00 for offering to transport passengers for compensation without authority or a certificate of public convenience from the Commission.

3. That, within thirty (30) days of the entry date of this Opinion and Order, Quentin Kurt West t/a Checker Premium Rideshare shall remit \$200.00, payable by certified check or money order, to “Commonwealth of Pennsylvania” and sent to:

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

4. That Quentin Kurt West t/a Checker Premium Rideshare shall cease-and-desist from further violations of the Vehicle Code, 75 Pa.C.S. § 101, *et. seq.*, and the Public Utility Code, 66 Pa.C.S. § 101, *et. seq.*

5. That the Bureau of Administrative Services, Assessment Section shall monitor this matter for compliance.

6. That, if Quentin Kurt West t/a Checker Premium Rideshare fails to make the payment required by Ordering Paragraph No. 3, above, within thirty (30) days of the entry date of the Commission's Order, the Commission shall refer this matter to the Pennsylvania Office of Attorney General for collection of the total set forth above and appropriate action.

7. That, after Quentin Kurt West t/a Checker Premium Rideshare remits the \$200.00 as required by Ordering Paragraph No. 3, the Secretary's Bureau shall mark Docket No. C-2025-3051582 as closed.

Date: December 16, 2025

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/s/  
Chad L. Allensworth  
Administrative Law Judge