

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held January 15, 2026

Commissioners Present:

Stephen M. DeFrank, Chairman
Kimberly Barrow, Vice Chair
Kathryn L. Zerfuss
John F. Coleman, Jr.
Ralph V. Yanora

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

C-2022-3029070

v.

Best Taxi LLC

Pennsylvania Public Utility Commission,
Bureau of Investigation and Enforcement

C-2022-3029079

v.

Good Cab LLC

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition are the petitions filed in these consolidated proceedings, including: (1) the “PETITION FOR RECONSIDERATION FROM STAFF ACTION

AND FOR *NUNC PRO TUNC* ISSUANCE OF A STAY OF COMMISSION ORDER DATED SEPTEMBER 25, 2025,” filed by Best Taxi LLC (Best Taxi) on November 10, 2025; and, (2) the “PETITION FOR RECONSIDERATION FROM STAFF ACTION AND FOR *NUNC PRO TUNC* ISSUANCE OF A STAY OF COMMISSION ORDER DATED SEPTEMBER 25, 2025” (collectively, the Petitions), filed by Good Cab LLC (Good Cab) (collectively, the Companies or the Petitioners) on November 10, 2025, in the above-captioned proceeding.¹ In their Petitions, the Companies request that the Commission: (1) reconsider the Secretarial Letter issued on October 28, 2025 (*October 2025 Secretarial Letter*), wherein the Commission, *inter alia*, conditionally cancelled the Certificates of Public Convenience (Certificates) held by Best Taxi² and Good Cab unless the Companies paid the specified fines within 30 days;³ and, (2) grant, *nunc pro tunc*, a stay of the Opinion and Order of the Commission entered September 25, 2025 (*September 2025 Order*), cancelling the Certificates of Best Taxi and Good Cab for failure of the Companies to pay the specified fines within 30 days of the *October 2025 Secretarial Letter*. Petitions at 1. On November 18, 2025, the

¹ According to the Pennsylvania Department of State, the Petitioners’ registered legal names are “Best Taxi LLC” and “Good Cab LLC,” respectively.

² We note that at Docket Nos. A-2016-2529890 and A-6318529, the Commission issued a Certificate to “Best Taxi, LLC” evidencing the Commission’s approval for Best Taxi to operate, as a common carrier, by motor vehicle, persons upon call or demand, in the counties of Dauphin and Cumberland, effective March 24, 2017.

³ We note that at Docket No. A-00120846, by Order entered March 24, 2005, the Commission, *inter alia*, granted the Application of Hesham A. Mekled, for the right to begin to transport, as a common carrier, by motor vehicle, persons upon call or demand, in the counties of Dauphin and Cumberland. Subsequently, the Commission issued a Certificate to “Hesham A. Mekled” evidencing the Commission’s approval to operate, effective June 22, 2005. We further note that by Secretarial Letter issued November 17, 2011, the Commission: (1) granted the request for change of entity for the carrier “Hersham A. Mekled d/b/a Harrisburg Taxi to Good Cab, LLC;” and, (2) advised that the Certificate would be changed to stand in the name of “Good Cab, LLC.” Consequently, on February 24, 2012, the Commission issued an updated Certificate to “Good Cab, LLC.”

Commission's Bureau of Investigation and Enforcement (I&E) filed an Answer to the Petitions (Answer).

For the reasons stated below, we shall deny the Petitions, consistent with this Opinion and Order.

I. History of the Proceeding⁴

On February 9, 2022, I&E filed a Formal Complaint against Best Taxi (Best Taxi Complaint). The prosecution against Best Taxi was docketed at Docket No. C-2022-3029070 (Best Taxi Proceeding). In the Best Taxi Complaint, I&E alleged that an inspection of Best Taxi's vehicle and driver records on October 6, 2021, revealed that Best Taxi committed the following two violations:

- (1) allowed one driver to operate a taxicab who is 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
- (2) failed to require the driver to maintain log sheets for all trips, in violation of 52 Pa. Code § 29.313(c).

I&E sought a fine of \$1,000 for the first offense, and a fine of \$50 for the second offense. These proposed fines totaled \$1,050. [$\$1,000 + \$50 = \$1,050$].

I.D. at 2.

On February 14, 2022, I&E filed a Formal Complaint against Good Cab (Good Cab Complaint). The prosecution against Good Cab was docketed at Docket No.

⁴ See *September 2025 Order* at 2-5 for a comprehensive summary describing the procedural history of this proceeding, which is incorporated herein by reference.

C-2022-3029079 (Good Cab Proceeding). In the Good Cab Complaint, I&E alleged that an inspection of Good Cab's vehicle and driver records on October 7, 2021, revealed the following three violations:

- (1) failed 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);
- (2) allowed 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
- (3) failed to require the employee drivers to maintain log sheets for all trips, in violation of 52 Pa. Code § 29.313(c).

For the first offense, I&E sought a fine of \$250 per violation for each of the three employees, totaling \$750; for the second offense, a fine of \$1,000; and for the third offense, a fine of \$50. These proposed fines totaled \$1,800.

[($\$250 \times 3$) + \$1,000 + \$50 = \$1,800]. I.D. at 2-3.

On March 4, 2022, the Companies filed Answers to the respective Complaints, wherein the Companies, *inter alia*, denied the material allegations in their respective Complaints. I.D. at 3.

On June 21, 2022, a hearing was held in the Good Cab Proceeding. On July 19, 2022, the hearing was convened in the Best Taxi Proceeding.⁵ I.D. at 3, 5.

⁵ In support, counsel for the Companies stated that he represented both Good Cab and Best Taxi, and that both Companies are owned by the same individual, Mr. Maher Saber Ahmed. I.D. at 5.

By Order dated September 23, 2022, both proceedings were formally consolidated for adjudication and resolution. I.D. at 6.

On January 9, 2023, the Parties filed a Joint Stipulation of Facts in the Best Taxi Proceeding. On September 22, 2023, I&E and the Companies filed respective briefs addressing the issue of the constitutionality of 52 Pa. Code § 29.505(b)(1). On November 15, 2024, the Parties filed a Joint Stipulation of Facts in the Good Cab Proceeding. I.D. at 6.

By Initial Decision issued on June 18, 2025,⁶ Deputy Chief Administrative Law Judge (ALJ) Gail M. Chiodo, *inter alia*: (1) denied the Companies' constitutional challenge to Section 29.505(b)(1) of the Commission's Regulations; (2) sustained the Complaints brought by I&E; and (3) imposed the civil fines requested by I&E on the Companies, consistent with the Commission's Regulations for the violations at issue.⁷ On July 18, 2025, the Companies filed Exceptions. On July 28, 2025, I&E filed Reply Exceptions. Also, on July 28, 2025, I&E filed a Motion to Strike the Untimely Filed Exceptions of the Companies (Motion).⁸ *September 2025 Order* at 5.

As noted, *supra*, on September 25, 2025, the Commission entered the *September 2025 Order*, wherein the Commission, *inter alia*: (1) granted I&E's Motion; (2) struck the Companies' Exceptions; (3) adopted the ALJ's Initial Decision, without

⁶ The Commission's Secretary's Bureau issued the Initial Decision by Secretarial Letter dated June 18, 2025 (*June 2025 Secretarial Letter*). The *June 2025 Secretarial Letter* advised the Parties that any Exceptions to the Initial Decision must be filed within twenty (20) days of the date of the letter (*i.e.*, on or before July 8, 2025).

⁷ See *September 2025 Order* at 25-31 for a comprehensive summary describing the ALJ's findings in the Initial Decision, which are incorporated herein by reference.

⁸ The Motion contained a Notice to Plead stating that, pursuant to 52 Pa. Code §§ 5.61(a)(1) and 5.103(c), any Answer to the Motion must be filed within twenty days of service of the Motion. No Answer to the Motion was filed.

modification; (4) ordered that Best Taxi and Good Cab shall remit civil penalties of \$1,050 and \$1,800, respectively, within thirty (30) days of the entry date of the *September 2025 Order* (i.e., on or before October 27, 2025);⁹ and (5) ordered that if the Companies' respective civil penalties were not received by the Commission within thirty (30) days after entry of the *September 2025 Order*, then: (a) the Commission's Bureau of Technical Utility Services (TUS) shall suspend or revoke Best Taxi's Certificate and Good Cab's Certificate; and, (b) the Commission's Bureau of Administrative Services, Assessment Section, shall refer this matter to the Pennsylvania Office of Attorney General for collection of the outstanding totals and appropriate action. *September 2025 Order* at 24-26.

On October 7, 2025, the Companies filed a Notice of Appeal to the Commonwealth Court of Pennsylvania.

As noted, *supra*, on October 28, 2025, the Commission issued the *October 2025 Secretarial Letter*, wherein it notified the Companies that: (1) the *September 2025 Order* directed Best Taxi and Good Cab to pay civil penalties within thirty (30) days of the entry of the *September 2025 Order*; and, (2) to date, Best Taxi and Good Cab had not paid their respective civil penalty amounts in full and, therefore, Best Taxi's Certificate and Good Cab's Certificate have been cancelled. *See October 2025 Secretarial Letter* at 1. Further, the *October 2025 Secretarial Letter* stated that the Commission will request that the Pennsylvania Department of Transportation put an administrative hold on the Companies' vehicle registrations, and Best Taxi and Good Cab will not be able to register any new vehicles or renew any existing vehicle registrations

⁹ The Commission entered the *September 2025 Order* on September 25, 2025, requiring compliance with the directives within thirty (30) days of the entry date of the *September 2025 Order* (i.e., on or before October 25, 2025). *See September 2025 Order* at 25-26, Ordering Paragraph Nos. 6-9. However, October 25, 2025, was a Saturday. Therefore, remittance of the civil penalty amounts in full was due on or before Monday, October 27, 2025.

until: (1) all past due assessments are paid; (2) all past due fines are paid; (3) all insurance filings are up to date; and (4) the Companies hold an active Certificate issued by the Commission. Moreover, the *October 2025 Secretarial Letter* indicated service to the Pennsylvania Department of Revenue, Bureau of Audit Programs, Sales and Use Taxes. Furthermore, the *October 2025 Secretarial Letter* notified the Companies: (1) that they are to cease and desist from further violations of the Code and the Commission's Regulations; and, (2) that they are prohibited from rendering service as a common carrier by motor vehicle in intrastate commerce in the Commonwealth of Pennsylvania. *Id* at 1-2.

As discussed, *supra*, Best Taxi and Good Cab filed their respective Petitions on November 10, 2025. On November 18, 2025, I&E filed its Answer.

II. Discussion

A. Legal Standards

1. Petitions for Rehearing, Reconsideration, Rescission, and Amendment of Commission Orders

With respect to petitions for rehearing, reconsideration, rescission, and amendment of Commission orders, the Public Utility Code (Code) establishes a party's right to seek relief within fifteen days following the service of a Commission order pursuant to Subsection 703(f). 66 Pa.C.S. § 703(f) (relating to rehearing).¹⁰ Upon the filing of a petition for relief pursuant to Section 703(f), the Commission may affirm,

¹⁰ Petitions under this section which do not allege new evidence are typically treated as petitions for reconsideration. Petitions for rehearing pursuant to Section 703(f) of the Code typically include an allegation of new evidence. 66 Pa.C.S. § 703(f); *see West Penn Power Co. v. Pa. PUC*, 659 A.2d 1055, 1056 (Pa. Cmwlth. 1995) (*West Penn Power*).

rescind, or modify its original order. *Id.* The Code further provides that the Commission may, at any time, after notice and opportunity to be heard by all affected parties, rescind or amend any order made by the Commission, pursuant to Section 703(g). 66 Pa.C.S. § 703(g) (relating to rescission and amendment of orders). A request for relief pursuant to § 703(f) or § 703(g) must be brought as a petition for relief consistent with Section 5.572 of the Commission’s Regulations. 52 Pa. Code § 5.572 (relating to petitions for relief).

Petitions for relief predicated upon Sections 703(f) and 703(g) of the Code, whether brought under Section 5.572(c) of Commission Regulations as a petition for reconsideration, rehearing, reargument, clarification, supersedeas, or others within fifteen days of the service of a Commission order, or under Section 5.572(d) as a petition for rescission or amendment filed at any time following service of a Commission order, are reviewed by the Commission under the same standard.

In exercising Commission authority to amend or rescind an order pursuant to Section 703(g) of the Code, the Supreme Court of Pennsylvania has stated: “Because such relief may result in disturbance of final orders, it must be granted judiciously and only under appropriate circumstances.” *See, City of Pittsburgh v. Pennsylvania Department of Transportation*, 490 Pa. 264, 416 A.2d 461 (1980); *see also West Penn Power*; *see also Richard Feleccia v. PPL Electric Utilities Corporation, d/b/a PPL Utilities and Barbara A. Lima*, Docket No. C-20016210 (Opinion and Order entered March 7, 2003) (*Feleccia*).

The Commission's application of the standard for granting a petition for amendment, reconsideration, or rescission is set forth in *Philip Duick et al. v.*

Pennsylvania Gas and Water Company, 56 Pa. PUC 553, 559 (1982) (*Duick*) as follows:

A petition for reconsideration, under the provisions of 66 Pa. C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its discretion under this code section to rescind or amend a prior order in whole or in part on the grounds that the decision or ruling of the Commission on a matter or issue was either unwise or in error.

In this regard we agree with the Court in the *Pennsylvania Railroad Company* case, wherein the Court said,

[b]ut the grounds for reconsideration should be restricted to the new matters and new or changed conditions set up in the joint petition, which had arisen since and were not presented in the several petitions of these appellants ... and dismissed by the Commission ... and not appealed from. Parties, ..., cannot be permitted, by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them and not appealed from.

Pennsylvania Railroad Co. v. Public Service Commission, 118 Pa. Super. 380 (1935).

What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission. Absent such matters being presented, we consider it unlikely that a party will succeed in persuading us that our initial decision on a matter or issue was either unwise or in error.

Duick at 559; see also *AT&T v. Pa. PUC*, 568 A.2d 1362 (Pa. Cmwlth. 1990). With respect to petitions for rescission, specifically, we have stated that in order “[t]o establish

a proper basis for rescission, a petitioner must first establish the existence of newly discovered evidence, a substantial change in circumstances, or an error of fact or law.” *Feleccia*, slip op. at 3 (citing *Duick* at 559).

A Commission decision to deny a petition for rescission or amendment is a matter squarely within its discretion, subject to being overturned only where a reviewing court finds “the agency’s decision demonstrates evidence of bad faith, fraud, capricious action or abuse of power.” *West Penn Power*, 659 A.2d at 1065.

The Commission has the additional discretion to “grant and prescribe such additional time as, in its judgment, is reasonably necessary to comply with the order, and may, on application and for good cause shown, extend the time for compliance fixed in its order.” 66 Pa.C.S. § 703(e).

2. Petitions for Stay

Section 701 of the Code outlines the Commission’s procedure for the review of complaints, stating in relevant part:

The Commission, or any person ... having an interest in the subject matter ... may complain in writing, setting forth any act or thing done or omitted to be done by any public utility in violation, or claimed violation, of any law which the commission has jurisdiction to administer, or of any regulation or order of the commission.

66 Pa.C.S. § 701.

It is well-settled that the propriety of issuing a stay or supersedeas will be governed by the standards outlined in *Pa. PUC v. Process Gas Consumers Group*,

467 A.2d 805 (1983) (*Process Gas*).¹¹ Pursuant to the standards of *Process Gas*, for issuance of a stay and/or supersedeas, a petitioner must establish the following:

1. Make a strong showing of likelihood to prevail on the merits;
2. Show that denial of relief will cause irreparable injury;
3. Show that the issuance of a stay will not substantially harm other interested parties in the proceedings; and
4. Show that the issuance of a stay will not adversely affect the public interest.

Process Gas, 467 A.2d at 808-09. The Supreme Court further clarified in *Process Gas*: “[I]t is essential that the unsuccessful party, who seeks a stay of a final order pending appellate review, make a strong showing under the[se] criteria in order to justify the issuance of a stay.” *Id.*

¹¹ Similarly, 52 Pa. Code § 3.2, outlining the requirements for emergency orders seeking injunctive relief, includes that the Petitioner establish the need to preclude an immediate, irreparable injury that is not against the public interest. Here, the Complainant’s request to preserve status quo will be examined under the *Process Gas* standard.

B. The *September 2025 Order*¹²

As discussed, *supra*, in the *September 2025 Order*, we, *inter alia*: (1) granted I&E's Motion; (2) struck the Companies' Exceptions;¹³ (3) adopted the ALJ's Initial Decision, without modification; (4) ordered Best Taxi and Good Cab to remit civil penalties of \$1,050 and \$1,800, respectively, within thirty days of the entry of the *September 2025 Order* (*i.e.*, on or before October 27, 2025);¹⁴ and, (5) ordered that if payments totaling \$1,050 and \$1,800, respectively, were not received by the Commission within thirty days of entry of the *September 2025 Order*, then the Commission would suspend or revoke Best Taxi's Certificate and Good Cab's Certificate. In pertinent part, we agreed with ALJ Chiodo's reasoning and determination that the Companies lacked standing to assert a facial constitutional challenge to the Criminal History Regulation. We also agreed with the ALJ's application of the relevant case law – including the explanation of the rationale supporting the caselaw – that a party cannot assert the rights of a third party but can only assert their own legal rights and interests. *September 2025*

¹² See *September 2025 Order* at 21-24 for a comprehensive analysis and description of our disposition of the Companies' Exceptions to the ALJ's Initial Decision and I&E's Motion, which are incorporated herein by reference.

¹³ As a preliminary matter, we addressed I&E's Motion, wherein it requested the striking of the Exceptions as being untimely filed. As noted, *supra*, the *June 2025 Secretarial Letter* advised the Parties that any Exceptions to the Initial Decision must be filed within 20 days of the date of the letter (*i.e.*, on or before July 8, 2025). On July 18, 2025, ten days after the due date, counsel for the Companies filed Exceptions. We agreed with I&E's assertion that the Companies provided no explanation – let alone any good cause reason – for the failure to timely comply with the *June 2025 Secretarial Letter* and our procedural Regulations. Accordingly, we granted I&E's request to strike the Exceptions. *September 2025 Order* at 21-22.

¹⁴ The Commission entered the *September 2025 Order* on September 25, 2025, requiring compliance with the directives within thirty days of the entry date of the *September 2025 Order* (*i.e.*, on or before October 25, 2025). See *September 2025 Order* at 25-26, Ordering Paragraph Nos. 6-9. We note that October 25, 2025, was a Saturday. Therefore, remittance of the civil penalty amounts in full was due on or before Monday, October 27, 2025.

Order at 22-23 (citing I.D. at 26-27; *Singleton*, 428 U.S. at 114-17 and *Temer*, 543 U.S. at 129; *Mid-Atlantic Power Supply Ass’n v. Pa. PUC*, 746 A.2d 1196, 1200 (Pa. Cmwlth. 2000)).

Accordingly, we adopted the ALJ’s Initial Decision, which sustained I&E’s Complaints against the Companies. Thus, we directed that within thirty days of entry date of this Opinion and Order: (1) Best Taxi shall remit a civil penalty in the amount of \$1,050; and, (2) Good Cab shall remit a civil penalty in the amount of \$1,800. *September 2025 Order* at 23-24.

C. The Petitions

In their Petitions, Best Taxi and Good Cab note that they: (1) timely filed their Notice of Appeal with the Commonwealth Court “to preserve further review of the issues that had been subject to litigation before the Commission since 2022;”¹⁵ (2) did not file a request to stay the *September 2025 Order*; and (3) received the *October 2025 Secretarial Letter* on October 28, 2025.¹⁶ Petitions at ¶¶ 10-13. Further, the Companies note that the Commission’s primary justification regarding the lack of standing for Best Taxi and Good Cab was that Mr. Ahmed, the owner of both Best Taxi and Good Cab, was not prevented from pursuing ownership and operation due to the challenged regulation. Moreover, the Companies argue that Mr. Ahmed can no longer operate Best Taxi and Good Cab because their Certificates were cancelled. Accordingly, Best Taxi and Good Cab request that the Commission: (1) “rescind” the *October 2025 Secretarial*

¹⁵ As noted, *supra*, on October 7, 2025, the Companies filed their Notice of Appeal with the Commission.

¹⁶ As noted, *supra*, the *October 2025 Secretarial Letter* was served on Best Taxi and Good Cab on October 28, 2025.

Letter; and, (2) grant a stay of the *September 2025 Order*, pending the outcome of the appeal.¹⁷ *Id.* at ¶¶ 14-17.

Best Taxi and Good Cab also note that the Commission has previously indicated that granting a stay is warranted if the petitioner makes a strong showing that: (1) it is likely to prevail on the merits; (2) it will suffer irreparable injury without the requested relief; and, (3) the issuance of a stay will not: (a) substantially harm other interested parties; and, (b) adversely affect the public interest. Petitions at ¶ 18 (citing *Pa. PUC v. Vacation Charters, Ltd.*, 70 Pa. P.U.C. 439 (August 17, 1989)). According to the Companies, if the stay is not granted, then Best Taxi and Good Cab will suffer irreparable harm because their Certificates were cancelled. Further, the Companies assert that without a stay of the *September 2025 Order* and reinstatement of their Certificates, Best Taxi and Good Cab will not be able to operate during the pendency of the appeal. Moreover, the Companies aver that a stay for an appeal will not harm the Parties or the public because the instant matter has been pending and subject to litigation since 2022, and further delay to permit an appeal will not harm Best Taxi, Good Cab, or the Commission. Furthermore, the Companies opine that a stay will benefit the public by permitting Best Taxi and Good Cab to continue operations “while the Court’s [sic] make a determination of this issue of great importance.” *Id.* at ¶¶ 19-21.

Best Taxi and Good Cab contend that they can succeed on the merits because they brought a facial challenge to the regulation at issue. The Companies note that in the *September 2025 Order*: (1) the ALJ and the Commission acknowledged that the carrier likely has standing to pursue an “as applied challenge;” and, (2) the Commission held that the ALJ’s determination on standing was accurate because the

¹⁷ We note that in the introduction of their Petitions, Best Taxi and Good Cab request reconsideration of the *October 2025 Secretarial Letter*. See Petitions at 1. However, in the discussion of their Petitions, the Companies also request that the Commission “rescind” the *October 2025 Secretarial Letter*. See Petitions at ¶ 17.

application of the regulation did not prevent Best Taxi and Good Cab from operating as certificated carriers. Petitions at ¶¶ 22-24, n.1. However, the Companies submit that the Commission’s cancellation of their Certificates and enforcement of the regulation challenged by the Companies: (1) resulted in Best Taxi and Good Cab suffering from an inability to operate as certificated carriers; and (2) provided Best Taxi and Good Cab standing to challenge the regulation in the first place. Moreover, the Companies note that a party has standing to sue if the party has a substantial, direct, and immediate interest in the subject matter of the litigation. *Id.* at ¶¶ 25-27 (citing *Wm. Penn Parking Garage, Inc. v. City of Pittsburgh*, 346 A.2d 269, 280 (Pa. 1975); *S. Whitehall Twp. Police Serv. v. S. Whitehall Twp.*, 555 A.2d 793, 795 (Pa. 1989)). Accordingly, the Companies aver that given this change in circumstances, Best Taxi and Good Cab: (1) made a strong showing that they possess the requisite standing to challenge the regulation at issue; and (2) will likely succeed on the merits if the standing issue is resolved in their favor. *Id.* at ¶¶ 28-29.

The Companies renew their argument that 52 Pa. Code § 29.505(b) is facially unconstitutional. Specifically, the Companies continue to challenge the Commission’s Criminal History Regulation, which requires that call and demand carriers, such as Best Taxi and Good Cab, must disqualify driver applicants convicted of certain crimes within specified time frames. Petitions at ¶¶ 30-33. Further, the Companies remain of the opinion that 52 Pa. Code § 29.505(b), *inter alia*: (1) infringes upon an individual’s right to pursue the occupation of taxi driver, and subjects a certificated carrier to punishment if it were to hire such individuals; and (2) provides a carrier no limitation or discretion to determine if the proposed driver’s prior conviction relates to the driver’s ability to provide call or demand service to the public in a safe manner. Moreover, the Companies argue that as “the scenario” has played out, the ability of Best Taxi and Good Cab to operate as a call or demand carrier is direct. *Id.* at ¶¶ 34-35. Accordingly, Best Taxi and Good Cab submit that they meet all of the criteria for the Commission to stay the *September 2025 Order*. *Id.* at ¶ 36.

C. I&E's Answer

In its Answer, I&E opposes the Companies' request for a stay of the *September 2025 Order*, arguing that the Companies have not met: (1) the standard for the granting of a stay; and (2) their burden to demonstrate that they are entitled relief. Answer at 1.

I&E notes that a party is entitled to a stay if: (1) the petitioner makes a strong showing that it is likely to prevail on the merits; (2) the petitioner has shown that without the requested relief, it will suffer irreparable injury; (3) the issuance of a stay will not substantially harm other interested parties in the proceedings; and, (4) the issuance of a stay will not adversely affect the public interest. Further, I&E notes that for a stay pending appellate review, such as the instant case, the Commission and the Pennsylvania Supreme Court precedent requires that the petitioner make a strong showing under these criteria to justify the issuance of a stay. Answer at 5 (citing *Michael and Sharon Hartman v. PPL Electric Utilities Corporation*, Docket No. C-2019-3008272 (Opinion and Order entered March 27, 2025)). Moreover, I&E notes that the Companies' argument that the Commission's Regulations violate the Pennsylvania constitution: (1) was already addressed by the Commission in the *September 2025 Order*; (2) does not constitute a "strong showing;" and (3) is unlikely to prevail on the merits of their case before the Commonwealth Court for the same reasons put forth by the ALJ and the Commission. *Id.* at 5.

I&E also disputes the Companies' claim that Best Taxi and Good Cab will suffer irreparable injury if the Commission does not stay the *September 2025 Order*. Answer at 5-6. Specifically, I&E argues that the Companies: (1) provided no explanation of how the continued enforcement of the Commission's Regulations regarding driver criminal history restrictions will cause them to suffer irreparable injury; and (2) failed to make a strong showing that the relatively small civil penalty imposed in

the consolidated cases will cause Good Cab and Best Taxi to suffer an irreparable injury. Further, I&E also argues that contrary to the Companies' argument that the public interest will be served by their continued operation, the public interest would be better served by common carriers that are compliant with the Commission's Regulations and Commission orders. Moreover, I&E contends that a stay would adversely affect I&E and its ability to enforce the Code and the Commission's Regulations. Specifically, I&E argues that if the Commission were to stay the *September 2025 Order*, then I&E would no longer be able to enforce the Commission's Regulation at 52 Pa. Code § 29.505(b) for the pendency of this litigation. *Id.* at 6.

I&E also challenges the Companies' request for reconsideration of the revocation of their authority to operate as common carriers of persons. In this regard, I&E notes that: (1) Section 332(a) of the Code, 66 Pa.C.S. § 332(a), provides that the party seeking affirmative relief from the Commission has the burden of proof; and, (2) respondents must prove their burden by a preponderance of the evidence, which "means that one party has presented evidence that is more convincing, by even the slightest degree, than the evidence presented by the opposing party." Answer at 6-7 (citing *Borough of Middletown v. Pa. PUC*, 301 A.3d 965, 974-975 (Pa. Cmwlth. 2023); *Application of 610 Hauling, LLC, t/a College Hunks Hauling Junk, for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, from points in the counties of Chester, Delaware, Montgomery, Philadelphia, and Bucks, to points in Pennsylvania*, Docket Nos. A-2012-2334103 and A-8915269 (Opinion and Order entered November 5, 2015) (*610 Hauling*) (citing *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950) (*Se-Ling Hosiery*)). Further, I&E notes that when evaluating an applicant seeking common carrier authority, the Commission will consider several factors, including "[a]n applicant's record, if any, of compliance with 66 Pa.C.S. (relating to [the] Code), this title and the Commission's orders." *Id.* at 7 (citing 52 Pa. Code § 41.14(5)).

I&E also notes that the Companies were: (1) directed to remit their respective civil penalties within thirty days of the date of entry of the *September 2025 Order*; and, (2) warned that failure to comply with the *September 2025 Order* would result in the suspension or revocation of their respective Certificates. I&E continues that to date, the Companies have neither paid the outstanding civil penalties imposed by the Commission, nor explained why they have not complied with the *September 2025 Order*. Accordingly, I&E posits that Good Cab and Best Taxi have failed to demonstrate, by a preponderance of the evidence, that they are entitled to the relief sought (*i.e.*, the return of their respective authority to operate as a common carrier of persons). Thus, I&E submits that the Petitions should be denied. Answer at 7-8.

E. Disposition

In considering the instant Petitions, we note that we are not required to consider, expressly or at length, each and every contention raised by a party to our proceedings. *University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984). Any argument that is not specifically addressed herein shall be deemed to have been duly considered and denied without further discussion.

Based on our review of the Petitions and the associated record documents, we shall deny the instant Petitions.

First, we shall deny the Petitioners' request that the Commission reconsider or "rescind" the *October 2025 Secretarial Letter*.¹⁸ As previously noted, the *October 2025 Secretarial Letter* stated that the Commission cancelled Best Taxi's

¹⁸ As noted, *supra*, in the introduction of their Petitions, Best Taxi and Good Cab request reconsideration of the *October 2025 Secretarial Letter*. See *Petitions* at 1. However, in the discussion of their Petitions, the Companies also request that the Commission "rescind" the *October 2025 Secretarial Letter*. See *Petitions* at ¶17.

Certificate and Good Cab's Certificate because to date, neither Company had paid their respective civil penalty amounts in full, more than thirty (30) days after the entry of the *September 2025 Order*. See *October 2025 Secretarial Letter* at 1.

Although the Petitioners clearly disagree with the Commission's decision to cancel their Certificates, the Petitioners do not address the Commission's reason for the cancellation, *i.e.*, the Company's failure to pay the specified fines within the 30-day period as directed in the *September 2025 Order*. Moreover, as noted by I&E, to date, Best Taxi and Good Cab have neither paid their outstanding civil penalties, nor explained *why* they have not complied with the directives set forth in the *September 2025 Order*. Indeed, the absence of an explanation that addresses why Best Taxi and Good Cab, to date, have failed to pay their respective outstanding civil penalties does not demonstrate sufficient justification to grant reconsideration or rescission of the *October 2025 Secretarial Letter*. These factors, in conjunction with the Companies' failure to file a timely request for a stay of the *September 2025 Order*, militates against granting the Petitions under the circumstances.

While the Companies alleged to have filed a timely appeal of the *September 2025 Order*, it is well settled that the filing of an appeal does not result in a stay of other proceedings, including the possible cancellation of the Companies' Certificates for failure to pay fines specified in a Commission Order. See *e.g.*, *Richard N. Myers v. PPL Electric Utilities Corporation*, Docket No. C-2017-2620710 (Opinion and Order entered December 30, 2019), petition for supersedeas denied, December 19, 2019; *Evangeline Hoffman-Lorah v. PPL Electric Utilities Corporation*, Docket No. C-2018-2644957 (Opinion and Order entered January 2, 2020), petition for supersedeas denied, December 19, 2019; *Evangeline Hoffman-Lorah v. Pa. PUC*, 301 A.3d 492 (Pa. Cmwlth. 2019); *Alan V. Schmukler v. PPL Electric Utilities Corporation*, Docket No. C-2017-2621285 (Opinion and Order entered January 2, 2020), *petition for supersedeas denied*, December 19, 2019; *Alan Schmukler v. Pa. PUC*, 302 A.3d 247

(Pa. Cmwlth. 2019). *See also Michael T. Jennings v. West Penn Power Company*, Docket No. C-2018-3006031 (Opinion and Order entered November 6, 2025) at 22.

Therefore, while the Companies may have exercised their right to appeal the *September 2025 Order*, such an appeal does not operate as an automatic stay of the Companies' obligation to comply with the Commission's Order to pay the specified fines, within the 30-day period, as directed, unless the Commission issues a stay of the obligation. As previously noted, in their Petitions, the Companies acknowledge that they did not file a request with the Commission to stay the *September 2025 Order*. *See* Petitions at ¶ 11. Accordingly, absent a stay, the Companies remained under a duty to comply with the Commission's order, but failed to do so. It was the Companies' failure to pay the specified fines within the 30 days, or in the alternative, to seek and be granted stay of the duty to pay the fines by the Commission within that 30 days, which resulted in the cancellation of the Companies' Certificates.

Because we find that the Companies have raised no valid basis for the failure of compliance with the *September 2025 Order*'s directives to pay the specified fines within 30 days, we find that the Companies have failed to satisfy the standard for rescission under *Duick*. Therefore, we decline to exercise our discretion to grant a rescission of the *October 2025 Secretarial Letter* cancelling the Companies' Certificates for nonpayment of fines.

We now turn to the Petitioners' request that the Commission grant, *nunc pro tunc*, a stay of the *September 2025 Order*. As discussed, *supra*, in the *September 2025 Order*, the Commission ordered, *inter alia*, that within thirty days of the entry of the *September 2025 Order*, Best Taxi and Good Cab shall remit civil penalty amounts of \$1,050 and \$1,800, respectively. In the *September 2025 Order*, the Commission further directed that if the Companies' respective civil penalty payments were not received by the Commission within thirty days after entry of the

September 2025 Order, then TUS shall suspend or revoke Best Taxi’s Certificate and Good Cab’s Certificate. *September 2025 Order* at 25-26, Ordering Paragraph Nos. 6-9. Subsequently, on October 28, 2025, the Commission issued the *October 2025 Secretarial Letter*, wherein it notified the Companies that Best Taxi’s Certificate and Good Cab’s Certificate were cancelled because to date, more than thirty days after the entry of the *September 2025 Order*, neither Company had paid their respective civil penalty amounts, in full. *See October 2025 Secretarial Letter* at 1.

Under the circumstances, we are constrained to find that the Companies’ request for a stay of the *September 2025 Order* is without merit. The Companies seek a stay, *nunc pro tunc*, of the *September 2025 Order*, wherein the Commission, as a substantive matter: (1) rejected the Companies’ challenges to the Commission’s regulations regarding driver qualifications, and that, (2) as a result, the Companies should pay specified fines (*i.e.* civil penalties) for violations of the Commission’s Regulations within thirty days.

To the extent the Companies’ Petition for stay seeks to satisfy the *Process Gas* standard’s requirement of showing “irreparable harm,” the Companies’ arguments all relate to the harm resulting from the cancellation of the Companies’ Certificates, thirty days *after* the entry of the *September 2025 Order*. Petition at ¶ 19. The Companies’ reasoning, however, is flawed, because the cancellations resulted, not from the *September 2025 Order*, but rather, from the Companies’ voluntary choice to neither pay the fines within thirty days as directed, nor in the alternative, to seek and be granted a stay from the Commission *prior* to the expiration of the thirty-day period. Therefore, to the extent that any harm may have resulted from the cancellation of the Certificates, it was due to the Companies’ chosen course of action, and not because of the *September 2025 Order*. Moreover, recent case law states that the obligation to pay a fine does *not* constitute irreparable harm, because it can be reimbursed. *See Petition of Solarstone Dev., LLC for Interim Emergency Order*, Docket No. P-2025-3053446,

Opinion and Order at 31 (April 4, 2025). Therefore, we find that the Petitioners failed to satisfy the showing of irreparable harm due to the *September 2025 Order*.

We further find that the Petitioners fail to show that the grant of a stay would be in the public interest. Our directive in the *September 2025 Order* that the Companies pay specified fines for violation of the Commission's Regulations was expressly in the public interest to promote compliance with the Regulations adopted for the safety of the traveling public. We conclude that to grant a stay of the compliance obligations intended to protect the traveling public would be adverse to the public interest.

Because we find that the Petitioners have failed to satisfy the standards of showing irreparable harm, or that a stay would serve the public interest, we find that the Companies fail to satisfy the standard under *Process Gas* for the imposition of a stay of the *September 2025 Order*. Furthermore, because the Petitioners have failed to meet two of the necessary requirements under *Process Gas*, we find it unnecessary to examine the remaining factors. Accordingly, the Petitioners' request for a stay of the *September 2025 Order* is denied.

IV. Conclusion

Based on the foregoing discussion, we shall deny the Petitions filed by Best Taxi and Good Cab, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the "PETITION FOR RECONSIDERATION FROM STAFF ACTION AND FOR *NUNC PRO TUNC* ISSUANCE OF A STAY OF COMMISSION

ORDER DATED SEPTEMBER 25, 2025,” filed by Best Taxi LLC, on November 10, 2025, is denied.

2. That the “PETITION FOR RECONSIDERATION FROM STAFF ACTION AND FOR *NUNC PRO TUNC* ISSUANCE OF A STAY OF COMMISSION ORDER DATED SEPTEMBER 25, 2025,” filed by Good Cab LLC, on November 10, 2025, is denied.

3. That this proceeding, at Docket Nos. C-2022-3029070 and C-2022-3029079, be marked closed.

BY THE COMMISSION,

A handwritten signature in cursive script that reads "Matthew L. Homsher".

Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: January 15, 2026

ORDER ENTERED: January 15, 2026