

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

Public Meeting held March 12, 2026

Commissioners Present:

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

Application of Payne Safe Riders LLC

A-2025-3056647

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Reconsideration from Staff Action (Petition), filed on September 26, 2025, by Ms. Nieema Payne, owner of Payne Safe Riders LLC (Payne or Applicant), relative to the above-captioned proceeding.

In the Petition, the Applicant requests reconsideration of the Commission's Secretarial Letter dated September 5, 2025 (*September 2025 Secretarial Letter*), in which the Commission denied Payne's Application for non-emergency transportation as a Motor Common Carrier of Persons in Paratransit Service (Application) due to the Applicant's failure to file required information with the Commission.

For the reasons set forth herein, we shall deny the Petition, noting that this ruling does not preclude Payne from filing another application for paratransit authority.

I. History of the Proceeding

On August 1, 2025, Payne filed its Application for non-emergency transportation as a Motor Common Carrier of Persons in Paratransit Service within points in Philadelphia County, Pennsylvania. Application at 3.

On August 5, 2025, the Commission issued a Request for Information (*August 2025 Data Request*), in which it requested: (1) that Payne explain if its proposed service would be open to the public, or whether it was pursuant to a contract with any school(s) or school district(s); (2) how the fees for service would be paid; (3) that Payne explain in more detail how it would comply with the driver requirements under 52 Pa. Code Chapter 41; and, (4) additional dated information on Payne's financial position and a list of assets. *August 2025 Data Request* at 3. The *August 2025 Data Request* also advised Payne of the deficiency of its Application with regard to certain motor carrier regulatory requirements. *Id.*

No response to TUS's *August 2025 Data Request* was received.

On September 5, 2025, the Commission issued the *September 2025 Secretarial Letter*, wherein it denied and dismissed the Application for failure of the Applicant to file required information with the Commission. In pertinent part, the *September 2025 Secretarial Letter* stated, as follows:

The purpose of this Letter is to advise you that your application, at Docket No. A-2025-3056647 has been **DENIED** by the Pennsylvania Public Utility Commission (Commission). The Commission has determined that a

Certificate of Public Convenience shall not be granted for the following reason(s):

- **Failure to File Required Information.** On August 5, 2025, you were required to file an answer to our data request by August 19, 2025. To date, more than 30 days later, you have not filed this updated information with the Commission.

For this reason(s), your application is **DENIED** and **DISMISSED**.

September 2025 Secretarial Letter at 1 (*emphasis in original*).

In addition, the *September 2025 Secretarial Letter* stated that if Payne did not agree with the Commission's determination, then it was permitted to file a Petition for Reconsideration from Staff Action with the Commission's Secretary within twenty (20) days of the date of the *September 2025 Secretarial Letter*. TUS outlined instructions regarding the form and content of such a Petition, including references to the inclusion of relevant documentation and verification with an original signature, as set forth in 52 Pa. Code §§ 1.31 and 5.44. Further, TUS provided the Applicant with a sample verification statement. *September 2025 Secretarial Letter* at 2.

On September 26, 2025, Payne filed the instant Petition.¹ No Answer to the Petition has been filed.

¹ As noted above, the *September 2025 Secretarial Letter* established a 20-day deadline for Payne to file a Petition for Reconsideration from Staff Action. *See September 2025 Secretarial Letter* at 2. Because the prescribed 20-day deadline ended on September 25, 2025, Payne's Petition, filed on September 26, 2025, was untimely by one day. Nevertheless, we will exercise our discretion to consider the Petition, pursuant to our Regulation at 52 Pa. Code § 1.2(a), which permits us to disregard an error or defect of procedure which does not affect the substantive rights of the parties. 52 Pa. Code § 1.2(a). Our determination to consider Payne's untimely Petition is made in recognition of the fact that Payne is an Applicant filing the instant Application and the associated Petition for the first time, and that no objections to the Petition have been raised. We

II. Discussion

A. Legal Standards

Petitions for Reconsideration from Staff Action are governed by the Commission's Rules of Administrative Practice and Procedure at 52 Pa. Code § 5.44(a), which provides the following:

Actions taken by staff, other than a presiding officer, under authority delegated by the Commission, will be deemed to be the final action of the Commission unless reconsideration is sought from the Commission within 20 days after service of notice of the action, unless a different time period is specified in this chapter or in the act.

52 Pa. Code § 5.44(a).

Courts have held that “[a] litigant’s burden of proof before administrative tribunals as well as before most civil proceedings is satisfied by establishing a preponderance of evidence which is substantial and legally credible.” *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990). Additionally, Section 332(a) of the Public Utility Code (Code), 66 Pa.C.S. § 332(a), provides that the party seeking a rule or order from the Commission has the burden of proof in that proceeding.

In this proceeding, Payne is the party seeking affirmative relief from the Commission. Therefore, Payne is the party with the burden of proof. *See, Application of 610 Hauling, LLC, t/a College Hunks Hauling Junk, for the right to begin to transport, as*

caution Payne that any further untimely submissions may not warrant the same consideration and could form the basis for the delay in processing, or in the outright dismissal, of a future Application.

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), *citing Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950).

The Commission's Regulations, at 52 Pa. Code §§ 3.381-85, and the Commission's Policy Statement, at 52 Pa. Code § 41.14, establish the evidentiary guidelines and criteria to be examined by the Commission when considering whether to grant or deny an application for passenger carrier authority.

The Commission's Policy Statement at 52 Pa. Code § 41.14 provides as follows:

§ 41.14. Evidentiary criteria used to decide motor common carrier applications – statement of policy.

An applicant seeking motor common carrier authority has the burden of demonstrating that it possesses the technical and financial ability to provide the proposed service. In addition, authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally. In evaluating whether a motor carrier applicant can satisfy these fitness standards, the Commission will ordinarily examine the following factors, when applicable:

- (1) Whether an applicant has sufficient capital, equipment, facilities and other resources necessary to serve the territory request.
- (2) Whether an applicant and its employees have sufficient technical expertise and experience to serve the territory requested.
- (3) Whether an applicant has or is able to secure sufficient and continuous insurance coverage for all vehicles to be used or useful in the provision of service to the public.

(4) Whether an applicant has an appropriate plan to comply with the Commission's driver and vehicle safety regulations and service standards in Chapter 29 (relating to motor carriers of passengers).

(5) An applicant's record, if any, of compliance with 66 Pa. C.S. (relating to Public Utility Code), this title and the Commission's orders.

(6) Whether an applicant or its drivers have been convicted of a felony crime of moral turpitude and remains subject to supervision by a court or correctional institution.

52 Pa. Code § 41.14.

Finally, pursuant to Section 1103(a) of the Code, 66 Pa.C.S. § 1103(a), an application for a certificate of public convenience should be granted only if the Commission finds that "the granting of such certificate is necessary or proper for the service, accommodation, convenience or safety of the public." *Id.*

B. Petition

In its Petition, the Applicant seeks reconsideration of the *September 2025 Secretarial Letter*. Payne's Petition consists of three (3) pages including: a two page typed document; and the verification page, signed by Nieema Payne, the owner of Payne. First, Payne asserts that the denial of the Application was "due to procedural and technical issues, not substantive noncompliance." Petition at 1. The Applicant further asserts that "the required response was initially prepared but inadvertently submitted in multiple PDF files instead of one cohesive document; certain attachments exceeded file size limits for e-filing; and Petitioner misunderstood formatting requirements but has since corrected all deficiencies." *Id.* Finally, Payne asserts that "Petitioner has now compiled all requested materials in a single, complete, and properly formatted

submission, including service description, financial statement and proof of assets, driver qualification system pursuant to Title 52 PA CODE, and insurance and vehicle documentation.” *Id.*

Payne asks the Commission to thus reconsider its denial of its motor carrier application. *Id.*

C. Disposition

In considering the Petition, we note that any issue not specifically addressed shall be deemed duly considered and denied without further discussion. It is well settled that we are not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

Based on our review of the Applicant’s Petition and the associated case documents, we will deny the Petition. As discussed below, we conclude that the Petitioner has not met the standard for reconsideration. A diligent search of the Commission’s files and records indicates that, despite asserting that it has corrected deficiencies in the required responses and has “compiled all requested materials,” Payne has neither attached any of the requested information to the Petition, nor has it submitted any such information to the Commission via e-filing. In similar matters coming before this Commission where reconsideration has been granted, the applicant has made an effort to supply the missing information by appending the required materials, or some portion thereof, to the Petition. This is not the case here, and we find no basis to reconsider the action of TUS Staff denying the Application as insufficient under 52 Pa. Code Chapter 41. Simply put, more is required than an assertion with no proof that the required information exists. Furthermore, we are in no position to assess

the sufficiency of materials which have not been submitted. For these reasons, Payne's Petition is denied.

We note however that, although Payne has not supplied sufficient information to the Commission to warrant further consideration of its pending Application at this time, our denial of its Petition for Reconsideration does not preclude Payne from submitting a new application with supporting information.

III. Conclusion

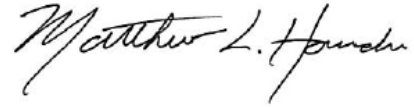
For the reasons discussed herein, we will deny the Petition, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Petition for Reconsideration from Staff Action filed by Payne Safe Riders LLC on September 26, 2025, at Docket No. A-2025-3056647, is denied, consistent with this Opinion and Order.

2. That this case shall be marked closed.

BY THE COMMISSION,

A handwritten signature in black ink, reading "Matthew L. Homsher". The signature is written in a cursive style with a large initial "M".

Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: March 12, 2026

ORDER ENTERED: March 12, 2026