

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

Public Meeting held March 26, 2026

Commissioners Present:

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

Application of Posh Rides Inc

A-2026-3059951
A-6328578

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a Petition for Reconsideration from Staff Action (Petition), filed by Posh Rides Inc (Applicant or Posh) on January 27, 2026, relative to the above-captioned proceeding.¹ The Secretarial Letter to which the Petition refers was issued on January 26, 2026 (*January 2026 Secretarial Letter*).² No Answer to the

¹ According to the Pennsylvania Department of State, “Posh Rides Inc” is the Applicant’s registered legal name.

² Because the Petition challenges the action taken in the *January 2026 Secretarial Letter* and was filed within twenty (20) days of the issuance of the *January 2026 Secretarial Letter*, we shall regard the Petition as a Petition for Reconsideration from Staff Action, pursuant to 52 Pa. Code § 5.44(a).

Petition has been filed. For the reasons that follow, we shall grant the Petition, rescind the *January 2026 Secretarial Letter*, and refer this matter to the Commission’s Bureau of Technical Utility Services (TUS) for such further action as may be deemed necessary, consistent with this Opinion and Order.

I. History of Proceeding

On January 19, 2026, Posh filed an Application for Transportation Network Service License (TNSL) with the Commission.³ In its Application, Posh requested authority to provide transportation for compensation between points in Pennsylvania using a digital network to facilitate prearranged rides. Application at 1. Specifically, the Applicant proposed “to operate as a Transportation Network Company (TNC) in Pennsylvania, providing prearranged passenger transportation through a digital platform and mobile application.”⁴ *Id.* at 3, ¶ 13.

³ We note that the Verification of Application included in Posh’s Application was signed by “Temitope J Isreal.” Application at 5.

⁴ The Applicant represented that Posh, *inter alia*: (1) will connect riders with independent, third-party drivers, and the drivers will not be Posh’s employees; (2) will establish and enforce driver eligibility standards, including background checks, license verification; vehicle safety requirements, and insurance compliance, in accordance with Pennsylvania law; (3) will provide its service using vehicles owned by the driver and that meet all of Posh’s “standards” and applicable Pennsylvania safety and inspection requirements; and (4) will not operate as a dual motor carrier and will not have any affiliated carriers involved in its service. Application at 3, ¶ 13. Additionally, in its Application, the Applicant included several attachments, including, *inter alia*, copies of Posh’s: (1) Driver Standards Policy; (2) Vehicle Safety Program; (3) Customer Service Standards; and (4) “Statement of Account” from a financial institution for the “Statement Period 12/01/25 – 12/31/25.” *Id.* at 9-11, 13, 17-20.

On January 26, 2026, the Commission issued the *January 2026 Secretarial Letter*, dismissing the Application. In pertinent part, the *January 2026 Secretarial Letter* stated as follows:

The Commission has determined that a TNC license shall not be granted for the following reason(s):

Failure to comply with 66 [Pa.]C.S. § 2604.1(B)(10)(i) Establish and maintain a publicly accessible Internet website that provides; At least two of the following:

- (A) Customer service telephone number.
- (B) An e-mail address
- (C) A hyperlink.
- (D) Any other communication method that allows a person to communicate directly with the customer service department of a [TNC].

Failure to comply with 66 [Pa.]C.S. § 2604.1(B)(10)(ii) The telephone number to file a consumer complaint with the [C]ommission and the [C]ommission's Internet website address.

For this reason(s), your [A]pplication is **DENIED** and **DISMISSED**.

January 2026 Secretarial Letter at 1 (emphasis in original).

Additionally, the *January 2026 Secretarial Letter* informed Posh that, if it disagreed with the Commission's determination, then it may submit a Petition for Reconsideration from Staff Action with the Commission's Secretary within twenty (20) days of the date of the *January 2026 Secretarial Letter*. Further, the *January 2026 Secretarial Letter* outlined instructions regarding the form and content of such a Petition for Reconsideration from Staff Action, including references to the inclusion of relevant documentation and a signed verification statement, as set forth in 52 Pa. Code §§ 1.31 and 5.44. *January 2026 Secretarial Letter* at 2.

As noted, *supra*, on January 27, 2026, Posh timely filed the instant Petition. No response to the Petition has been filed.

II. Discussion

A. Legal Standards

Petitions for Reconsideration from Staff Action are governed by the Commission’s Rules of Administrative Practice and Procedure, 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, Posh is the party seeking affirmative relief from the Commission. Therefore, Posh 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*

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*)).

In *Se-Ling Hosiery, supra*, the Pennsylvania Supreme Court held that the term “burden of proof” means a duty to establish a fact by a preponderance of the evidence. The term “preponderance of the evidence” means that one party has presented evidence that is more convincing, by even the slightest degree, than the evidence presented by the opposing party. Additionally, the Commission must ensure that the decision is supported by substantial evidence in the record. The Pennsylvania appellate courts have defined 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. *610 Hauling* (citing *Norfolk & Western Railway Co. v. Pa. PUC*, 413 A.2d 1037 (Pa. 1980); *Murphy v. Pa. Dept. of Public Welfare, White Haven Center*, 480 A.2d 382 (Pa. Cmwlth. 1984)).

On November 4, 2016, then-Governor Tom Wolf signed into law Act 164 of 2016 (Act 164 or Act), which amends Title 53 (Municipalities Generally), Title 66 (Public Utilities), and Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes. Act 164 established, *inter alia*, the regulatory framework for the provisions of a new type of transportation service in Pennsylvania, known as TNC service. TNC service operates using an internet application on smart phones to match passengers with a TNC driver to facilitate transportation. The Commission’s administrative responsibilities for implementing the provisions of Act 164 are contained within Chapter 26 of the Act. *See Act 164 of 2016 – Implementation of Chapter 26*, Docket No. L-2016-2574379 (Implementation Order entered December 8, 2016).

Section 2604.1(b) of the Code, 66 Pa.C.S. § 2604.1(b), sets forth the elements a TNC must satisfy in order to acquire a license, and for maintaining a license to operate within the Commonwealth. Specifically, Section 2604.1(b)(10)(i) and (ii) of the Code, 66 Pa.C.S. § 2604.1(b)(10)(i) and (ii), state as follows:

(b) **Requirements.**—An application seeking a license under this section must do all of the following as a condition of receipt and maintenance of a license:

* * *

(10) Establish and maintain a publicly accessible Internet website that provides:

(i) At least two of the following:

- (A) A customer service telephone number.
- (B) An e-mail address.
- (C) A hyperlink.
- (D) Any other communication method that allows a person to communicate directly with the customer service department of a transportation network company.

(ii) The telephone number to file a consumer complaint with the commission and the commission's Internet website address.

66 Pa.C.S. § 2604.1(b)(10)(i) and (ii).

B. Posh's Petition

The four-page Petition consists of the following: (1) several paragraphs and four numbered screenshots in response to the *January 2026 Secretarial Letter*; and

(2) a verification statement signed by “Temitope Isreal,” identified as the President of Posh.⁵ Petition at 1-4.

In its Petition, the Applicant requests that the Commission reconsider and reverse its decision of denying and dismissing the Application in the *January 2026 Secretarial Letter*. Specifically, regarding the Commission’s determination that the Applicant failed to comply with 66 Pa.C.S. §§ 2604.1(b)(10)(i) and (ii), or failed to provide Posh’s customer service contact information (*i.e.*, at least two of the following: (1) a telephone number; (2) an e-mail address; (3) a hyperlink; or (4) any other communication method that allows a person to communicate directly with the customer service department of a TNC) on its website, and the Commission’s consumer complaint contact information (*i.e.*, the Commission’s telephone number and website address) on its website, the Applicant asserts that it has corrected these deficiencies. Petition at 1. More specifically, the Applicant explains that Posh’s website now includes the requisite contact information for Posh’s customer service and the Commission’s consumer complaint telephone number and website address. Additionally, the Applicant provides several screenshots from Posh’s website. In pertinent part, one screenshot from Posh’s website includes the following text: (1) POSH RIDES CUSTOMER SERVICE email: info@poshtechnologiesinc.com phone number: 2407977187; and (2) “**PA PUC CONSUMER COMPLAINT INFO STATE: PENNSYLVANIA** Public Utility Commission (PUC) Consumer Complaint Phone: Consumer Complaint 1-800-692-7380 Website: <https://www.puc.pa.gov/complaint/>.”⁶ *Id.* at 3.

⁵ As previously noted, “Temitope J Isreal” signed Posh’s Application. *See* Application at 5.

⁶ We note that within the screenshot, the address bar identifies the following web address: poshrideshare.com/contact-us. *See* Petition at 3.

C. Disposition

In considering the instant Petition, 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 Petition and the associated record documents, we shall grant the Petition. As discussed, *supra*, the *January 2026 Secretarial Letter* denied the Application because Posh failed to provide Posh's customer service contact information on its website (*i.e.*, at least two of the following: (1) a telephone number; (2) an e-mail address; (3) a hyperlink; or (4) any other communication method that allows a person to communicate directly with the customer service department of a TNC) and the Commission's consumer complaint contact information (*i.e.*, the Commission's telephone number and website address) to file a consumer complaint with the Commission, as required by 66 Pa.C.S. § 2604.1(b)(10)(i) and (ii). *January 2026 Secretarial Letter* at 1.

On review of the Applicant's Petition, we find that the Applicant has provided information and documentation to address the deficiencies identified in the *January 2026 Secretarial Letter*. Regarding the determination that Posh failed to comply with 66 Pa.C.S. § 2604.1(b)(10)(i) and (ii), or failed to provide Posh's customer service contact information on its website (*i.e.*, at least two of the following: (1) a telephone number; (2) an e-mail address; (3) a hyperlink; or (4) any other communication method that allows a person to communicate directly with the customer service department) and the Commission's consumer complaint contact information (*i.e.*, the Commission's telephone number and website address) to file a consumer complaint with the Commission, we note that a review of the documentation or screenshots of Posh's

website provided by the Applicant clearly shows the following: (1) an e-mail address to contact Posh's customer service department; (2) a telephone number to contact Posh's customer service department; (3) a telephone number to file a consumer complaint with the Commission; and (4) a link to the Commission's website. *See* Petition at 3.

Additionally, we acknowledge that the Applicant has demonstrated a good faith effort to rectify the issues that led to the Application's dismissal by filing the instant Petition that includes the requisite documentation.

In light of Posh's attempt to provide the requisite documentation, as well as its willingness to cooperate, we conclude that, under the circumstances in this case, it is appropriate and reasonable to rescind the *January 2026 Secretarial Letter* and refer this matter to TUS for consideration and for such further action as may be warranted, given TUS' expertise in reviewing TNSL applications for authority. Accordingly, we shall utilize the discretion afforded to the Commission in Section 1.2 of our Regulations, 52 Pa. Code § 1.2, and refer this matter to TUS to continue processing the Application.⁷ Such a referral will provide TUS with the opportunity to review the information and documentation provided with the Petition and to request any additional information or evidence from Posh, if necessary. In our view, given the procedural posture of this case, acknowledging the new considerations provided in the Petition and referring this matter to TUS for further consideration is a more efficient use of the Commission's and Posh's resources at this procedural stage of the proceeding.

Finally, we note that the Commission takes no position on the merits of Posh's Application at this time, solely noting that it is appropriate to refer this matter to TUS. Nonetheless, we encourage that this matter, and any impediments or deficiencies with Posh's Application, be resolved in a cooperative and expeditious manner, to ensure

⁷ Pursuant to 52 Pa. Code § 1.2, the Commission may exercise its discretion to secure the efficient resolution of a matter, so long as the substantive rights of other parties are not adversely affected.

that Posh and its Application are compliant with the law, as well as the Commission's Regulations and Orders.

III. Conclusion

For the reasons discussed herein, we will: (1) grant Posh's Petition; (2) rescind the *January 2026 Secretarial Letter*; and (3) refer this matter to TUS for such further action as may be deemed warranted, consistent with this Opinion and Order; **THEREFORE,**

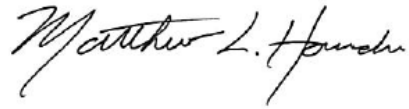
IT IS ORDERED:

1. That the Petition for Reconsideration from Staff Action, filed by Posh Rides Inc, on January 27, 2026, at Docket No. A-2026-3059951, is granted, consistent with this Opinion and Order.

2. That the Secretarial Letter issued on January 26, 2026, at Docket No. A-2026-3059951, is rescinded, consistent with this Opinion and Order.

3. That this matter, at Docket No. A-2026-3059951, be referred to the Commission's Bureau of Technical Utility Services for such further action as may be deemed necessary, consistent with this Opinion and Order.

BY THE COMMISSION,

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

Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: March 26, 2026

ORDER ENTERED: March 26, 2026