

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

Public Meeting held April 16, 2026

Commissioners Present:

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

Application of Affectionate Home Care Services LLC

A-2025-3057369
A-6428265

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Rescission (Petition), filed by Ms. Tatyana Petrashkevich, owner of Affectionate Home Care Services LLC (Affectionate Home Care or Applicant), on December 30, 2025, relative to the

above-captioned proceeding. The Applicant seeks rescission of the Secretarial Letter issued on October 29, 2025 (*October 2025 Secretarial Letter*).¹

In the Petition, the Applicant requests reconsideration or rescission of the Commission's Secretarial Letter dated October 29, 2025 (*October 2025 Secretarial Letter*), in which the Commission denied Affectionate Home Care'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, consistent with this Opinion and Order.

I. History of the Proceeding

On September 9, 2025, Affectionate Home Care filed the 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 September 15, 2025, the Commission issued an initial Request for Information (*September 15, 2025 Data Request*), in which it noted that the Applicant failed to provide the following: (1) to clearly state whether the service it wished to provide was non-emergency medical transportation or non-medical transportation; (2) to

¹ Pursuant to 52 Pa. Code § 5.44(a), Petitions for Reconsideration from Staff Action must be filed within twenty days following the service of notice of the Staff Action from which reconsideration is sought. Because the Petition challenges the action taken in the *October 2025 Secretarial Letter*, but was not filed within twenty days of the issuance of the *October 2025 Secretarial Letter*, we shall exercise our discretion under Section 1.2(a) of our Regulations, 52 Pa. Code § 1.2(a), and regard the Petition as a Petition for Rescission, pursuant to 52 Pa. Code § 5.572(d).

explain how the Applicant will maintain records (record retention) of the criminal background checks performed; and (3) to identify on what schedule maintenance and what specific maintenance will be performed by the designated mechanic shop.

September 15, 2025 Data Request at 1.

On September 29, 2025, Affectionate Home Care filed a response to the *September 15, 2025 Data Request (September 29, 2025 Data Request Response)*. In its response, Affectionate Home Care, *inter alia*, clarified that: (1) Affectionate Home Care would transport people between points in the city and county of Philadelphia for non-emergency medical transportation, via paratransit van; (2) all files will be kept electronically, as well as stored in a locked file cabinet, and would be available upon request; and (3) responses to maintenance questions were provided. *September 29, 2025 Data Request Response* at 1-3.

On September 29, 2025, the Commission issued a second Request for Information (*September 29, 2025 Data Request*), in which it requested a further detailed answer as to how the Applicant would maintain records (record retention) of the criminal background checks performed, which addresses how the Company will fully comply with the Commission's Regulation at 52 Pa. Code § 29.505 (regarding driver criminal history). *September 29, 2025 Data Request* at 1.

On October 29, 2025, the Commission issued the *October 2025 Secretarial Letter*, wherein it denied and dismissed the Application for failure of the Applicant to file the above required information with the Commission. In pertinent part, the *October 2025 Secretarial Letter* stated, as follows:

The purpose of this Letter is to advise you that your application for **Paratransit** authority at Docket No. A-2025-3057369 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.** A letter dated September 29, 2025, was sent informing you that the Pennsylvania Public Utility Commission required additional information in order to complete the processing of **Affectionate Home Care Services LLC**'s application for authority. The letter informed you that failure to submit the required information within ten days would result in dismissal of the application. To date, more than thirty days later, you have not adequately complied with all aspects of that request.

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

October 2025 Secretarial Letter at 1 (emphasis in original).

In addition, the *October 2025 Secretarial Letter* stated that if Affectionate Home Care 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 *October 2025 Secretarial Letter*. The Commission's Bureau of Technical Utility Services (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. *October 2025 Secretarial Letter at 2.*

On October 31, 2025, Affectionate Home Care filed a response to the *September 29, 2025 Data Request*, providing additional information concerning its proposed maintenance of the criminal background checks performed for drivers (*October 31, 2025 Data Request Response*). *October 31, 2025 Data Request Response at 1.*

On December 30, 2025, Affectionate Home Care filed the instant Petition.² No Answer to the Petition has been filed.

II. Discussion

A. Legal Standards

Affectionate Home Care, as the Petitioner and Applicant, is the proponent of a rule or order from the Commission. As the proponent of a rule or order in this proceeding, Affectionate Home Care bears the burden of proof, pursuant to Section 332(a) of the Public Utility Code (Code), 66 Pa.C.S. § 332(a).

The Code establishes a party's right to seek relief following the issuance of our final decisions, pursuant to Subsections 703(f) and (g) of the Code, 66 Pa.C.S. § 703(f) and § 703(g), relating to rehearings, as well as the rescission and amendment of orders. Such requests for relief must be consistent with Section 5.572 of our Regulations, 52 Pa. Code § 5.572, relating to petitions for relief following the issuance of a final decision.

² As noted above, the *October 2025 Secretarial Letter* established a 20-day deadline for Affectionate Home Care to file a Petition for Reconsideration from Staff Action. *See October 2025 Secretarial Letter* at 2. Because the prescribed 20-day deadline ended on November 18, 2025, Affectionate Home Care's Petition, filed on December 30, 2025, was untimely by forty-two days. Nevertheless, we will exercise our discretion to consider the Petition as a Petition for Rescission, pursuant to our Regulation at 52 Pa. Code § 1.2(a), which permit 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 Affectionate Home Care's untimely-filed Petition is made in recognition of the fact that Affectionate Home Care 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 caution Affectionate Home Care 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 petition for rescission or amendment can be filed at any time.
See 66 Pa.C.S. § 703(g) and 52 Pa. Code § 5.572(d).

By the terms of Section 703(g) of the Code, the Commission has the power to amend or rescind its own orders at any time, subject only to the requirements of due process. Section 703(g) of the Code states:

The commission may, at any time, after notice and after opportunity to be heard as provided in this chapter, rescind or amend any order made by it. Any order rescinding or amending a prior order shall, when served upon the person, corporation, or municipal corporation affected, and after notice thereof is given to the other parties to the proceedings, have the same effect as is herein provided for original orders.

66 Pa.C.S. § 703(g); *see also*, *Department of Highways v. Pa. PUC*, 185 Pa. Super. 418, 138 A.2d 143 (1958).

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 Co. v. Pa. PUC*, 659 A.2d 1055, 1056 (Pa. Cmwlth. 1995) (*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*).

Additionally, we recognize that while a petition under Section 703(g) may “properly raise any matter designed to convince the commission that it should exercise its discretion . . . to rescind or amend a prior order in whole or in part”, at the same time

“[p]arties . . . cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them.”

Duick v. Pennsylvania Gas and Water Company, Docket No. C-R0597001 *et al.*, 56 Pa. P.U.C. 553 (Opinion and Order entered December 17, 1982) (*Duick*) (quoting *Pennsylvania Railroad Co. v. Pennsylvania Public Service Commission*, 179 A. 850, 854 (Pa. Super. 1935)). Such petitions are likely to succeed only when they raise “new and novel arguments” not previously heard, or considerations which appear to have been overlooked or not addressed by the Commission. As we stated in *Duick*:

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. 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.

Additionally, 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.” In order to make

these determinations, 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.

B. Petition

In its Petition, the Applicant seeks rescission of the *October 2025 Secretarial Letter*. Affectionate Home Care's Petition consists of a one-page typed document, signed by Tatyana Petrashkevich, the owner of Affectionate Home Care. Therein, Affectionate Home Care states:

WE WISH TO APPEAL THIS DECISION BY PUBLIC UTILITY COMMISSION AS ALL PAPERWORK AND REQUESTS WERE SUBMITTED BY PROPOSED DEADLINES. PLEASE GET BACK TO US WITH PERTIENT INFORMATION AS WE HAVE POTENTIAL CONTRACTS PENDING.

Petition at 1.

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 are of the opinion that the Petitioner has not met the standard for rescission. We note that the Petitioner failed to provide proof for why it did not timely respond to the Commission's second Data Request of September 29, 2025. Specifically, the *September 29, 2025 Data Request* provided that a response was due on or by October 13, 2025. On October 29, 2025, the Commission issued its *October 2025 Secretarial Letter* denying and dismissing Affectionate Home Care's Application, for failure of the Applicant to file the required information. It was only on October 31, 2025, more than eighteen days (18) days after the original deadline for filing the required information, that the Applicant responded to the *September 29, 2025 Data Request*. *See October 31, 2025 Data Request Response*. In addition, although the *October 2025 Secretarial Letter* informed the Applicant that it had twenty days to file a Petition for Reconsideration from Staff Action if it disagreed with the determination, Affectionate Home Care failed to file the instant Petition until December 30, 2025, well beyond the November 19, 2025 deadline. While we have exercised our discretion to consider the late-filing as a Petition for Recission, we find no persuasive basis for reconsideration or recission of the *October 2025 Secretarial Letter*. For these reasons, Affectionate Home Care's Petition is denied.

We note, however, that, although we shall find that Affectionate Home Care's request for relief does not warrant further consideration of its pending Application at this time, our denial of its Petition does not preclude Affectionate Home Care from submitting a new application with supporting information, if it so chooses.

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 Rescission filed by Affectionate Home Care Services LLC on December 30, 2025, at Docket No. A-2025-3057369, is denied, consistent with this Opinion and Order.

2. That this case shall be marked closed.

BY THE COMMISSION,



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: April 16, 2026

ORDER ENTERED: April 17, 2026