

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Kindness & Kare Transportation :
LLC for the Right to Begin to Transport, as a :
Common Carrier, by Motor Vehicle, People in : A-2025-3057858
Paratransit Service, from points in Montgomery :
County, to points in Pennsylvania, and Return :

INITIAL DECISION

Before
F. Joseph Brady
Administrative Law Judge

INTRODUCTION

This Initial Decision grants Kindness & Kare Transportation LLC's Petition for Leave to Withdraw its Application because there is no objection to it and granting the Petition is in the public interest.

HISTORY OF THE PROCEEDING

On September 30, 2025, Kindness & Kare Transportation LLC (Applicant) filed an Application for Motor Common Carrier of Persons in Paratransit Service (Application) with the Pennsylvania Public Utility Commission (Commission) for authority to transport people in paratransit service to points in the County of Montgomery to points in Pennsylvania, and return.

Notice of the Application was provided in the December 6, 2025, *Pennsylvania Bulletin*, 55 Pa.B. 8325. Protests were due by December 22, 2025.

On December 22, 2025, Bucks County Transport, Inc. (BCT), Bux-Mont Transportation, Inc. (Bux-Mont), Easton Coach Company (Easton), Suburban Transit Network, Inc. (TransNet), and Tri County Transit Service, Inc. (Tri County)(collectively, Joint Protestants) filed a timely Joint Protest to the Application.

By Hearing Notice dated January 6, 2026, a hearing was scheduled for March 18, 2026 and the matter was assigned to me.

A Prehearing Order was issued on January 21, 2026, advising the parties of the date and time of the scheduled hearing, informing them of the procedures applicable to this proceeding, and directing the Applicant to have an attorney licensed to practice in the Commonwealth of Pennsylvania enter an appearance on its behalf.

On March 17, 2026, Counsel for the Joint Protestants forwarded an email from the Applicant requesting to withdraw the Application. Counsel for the Joint Protestants advised there is no objection to the withdrawal. The March 18, 2026, hearing was cancelled.

FINDINGS OF FACT

1. The Applicant is Kindness & Kare Transportation LLC.
2. The Joint Protestants are Bucks County Transport, Inc., Bux-Mont Transportation, Inc., Easton Coach Company, Suburban Transit Network, Inc., and Tri County Transit Service, Inc.

3. On September 30, 2025, the Applicant filed an Application with the Commission for authority to transport people in paratransit service to points in the County of Montgomery to points in Pennsylvania, and return.
4. On December 22, 2025, the Joint Protestants filed a timely Joint Protest to the Application.
5. By Hearing Notice dated January 6, 2026, a hearing was scheduled for March 18, 2026.
6. On March 17, 2026, the Applicant requested, via email, to withdraw its Application.
7. The Joint Protestants do not object to the withdrawal of the Application.

DISCUSSION

The Commission's Rules of Practice and Procedure at 52 Pa. Code § 5.94 permit parties to petition to withdraw pleadings in a contested proceeding:

Except as provided in subsection (b), a party desiring to withdraw a pleading in a contested proceeding may file a petition for leave to withdraw the appropriate document with the Commission and serve it upon the other parties. The petition must set forth the reasons for the withdrawal. A party may object to the petition within 10 days of service. After considering the petition, an objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted.

52 Pa. Code § 5.94(a).

The petition is granted only by permission of the presiding officer or the Commission. 52 Pa. Code § 5.94. The presiding officer or Commission must consider the petition, any objections thereto, and the public interest in determining whether to permit withdrawal of the pleading. *Id.*

A presiding officer or the Commission may disregard an error or defect of procedure or waive a requirement that does not adversely affect a substantive right of a party. 52 Pa. Code §§ 1.2(a), (c), (d). Thus, the Applicant's March 17, 2026, email request to withdraw will be treated as a Petition for Leave to Withdraw the Application.

This case arises from a transportation application for authority to transport people in paratransit service to points in the County of Montgomery to points in Pennsylvania, and return. A timely Joint Protest was filed and a hearing was scheduled. The day before the hearing, Counsel for the Joint Protestants forwarded an email from the Applicant requesting to withdraw the Application. Counsel for the Joint Protestants had no objections to the withdrawal request.

Under these circumstances, granting the Applicant's request to withdraw its Application is in the public interest. Doing so will eliminate the need for litigation and save the parties any additional costs in time and money they would otherwise incur litigating an application that the Applicant no longer wishes to pursue. Further, the Application does not contain any novel issues or issues that would impact the public interest. Accordingly, the Applicant's Petition for Leave to Withdraw its Application shall be granted.

CONCLUSIONS OF LAW

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

2. The Commission's Rules of Practice and Procedure permit parties to withdraw pleadings in a contested proceeding by permission of the presiding officer or Commission. 52 Pa. Code § 5.94.

3. After considering the petition, any objection thereto and the public interest, the presiding officer or the Commission will determine whether the withdrawal will be permitted. 52 Pa. Code § 5.94(a).

4. A presiding officer or the Commission may disregard an error or defect of procedure or waive a requirement that does not adversely affect a substantive right of a party. 52 Pa. Code §§ 1.2(a), (c), (d).

5. No objection being filed, it is in the public interest to grant the Applicant's Petition for Leave to Withdraw Its Application. 52 Pa. Code § 5.94.

ORDER

THEREFORE,

IT IS ORDERED:

1. That Kindness & Kare Transportation LLC's Petition for Leave to Withdraw Its Application filed at Docket No. A-2025-3057858 is granted.

2. That the Application of Kindness & Kare Transportation LLC at Docket No. A-2025-3057858 is withdrawn.

