

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

Public Meeting held April 30, 2026

Commissioners Present:

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

Application of Community Connection Transportation L.L.C.

A-2024-3051548

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 March 25, 2025, by Community Connection Transportation L.L.C. (Community or Applicant), relative to the above-captioned proceeding.¹ The Secretarial Letter for which the Applicant seeks reconsideration was issued on March 5, 2025 (*March 2025 Secretarial Letter*).² No Answer to the Petition has been filed.

¹ According to the Pennsylvania Department of State, “Community Connection Transportation L.L.C.” is the Applicant’s registered legal name.

² Because the instant Petition challenges the action taken in the *March 2025 Secretarial Letter* and was filed within twenty days of the issuance of the Secretarial Letter, we shall regard the Petition as a Petition for Reconsideration from Staff Action pursuant to 52 Pa. Code § 5.44(a).

For the reasons set forth herein, we shall: (1) dismiss Community’s Petition as moot; and (2) dismiss Community’s Application to begin service as a Motor Common Carrier of Persons in Paratransit Service (Application), filed at the above docket, as moot, consistent with this Opinion and Order.

I. History of the Proceeding

On October 7, 2024, Community filed the instant Application.³ Therein, the Applicant sought authority to “transport students with special needs, alternative needs, and rural students to school in Bucks County and return.” Application at 1, 3. No Protests to the Application were filed.

On October 9, 2024, the Commission’s Bureau of Technical Utility Services (TUS) issued a data request (Data Request), informing Community that additional information was required within ten (10) working days of the date on the letter in order for the Commission to proceed with the Application. Data Request at 1. More specifically, TUS sought the following: (1) clarification of the specific service area from which Community intends to originate service;⁴ (2) an answer to Question No. 5 in the Verified Statement of Applicant, pertaining to evidence of compliance with the provisions set forth in 52 Pa. Code § 29 (related to the number of drivers to be employed, driver training, the system for driver license checks, the system for criminal record

³ We note that the Verification of Application included in Community’s Application was signed by Mr. Elijah Mims, identified as the owner of Community. Application at 2, 4. The Verified Statement of Application was also signed by Mr. Mims. *Id.* at 7.

⁴ We note that this specific question pertains to Question No. 10 in the Application. *See* Application at 3 ¶ 10.

checks, and the conduct of drug/alcohol tests); and (3) information on the vehicles that Community intends to use to provide its service.⁵ *Id.* at 3.

On October 22, 2024, Community filed a Response to Data Request (Response). Therein, Community clarified that it proposes to provide general paratransit service, without restrictions, from points in Bucks County to points in Pennsylvania, and return. The Applicant also explained that all of Community's drivers will be required to have a current, valid driver's license and to be 21 years of age or older. Further, the Applicant stated that Community will subject prospective drivers to a criminal history check at both the federal and state level and, once hired, will be subject to a new criminal history check from the Pennsylvania State Police every two years. Moreover, the Applicant stressed that it will not permit any person to operate vehicles if that person has been convicted of a felony or misdemeanor, to the extent that this conviction relates adversely to that person's suitability to provide service safe and legally. Response at 2.

The Applicant also explained that Community will require drivers to take training courses to ensure that they meet Community's standards for safety, professionalism, and customer service, including: (a) a defensive driving course, (b) a passenger assistance and mobility device training course, (c) an emergency response training course, and (d) a drug and alcohol awareness training course. Further, the Applicant stated that Community will conduct driver's license checks by obtaining the driver history from the appropriate agency of every state in which that person has held a driver's license or permit during the preceding three years. Moreover, the Applicant stated that if the driver is hired, then a driver's history report will be obtained once every twelve months from the date of the last report, and that this report will be maintained for at least two years. Finally, the Applicant stressed that Community's drivers will be

⁵ We note that this specific question pertains to Question No. 6 in the Application. *See* Application at 3 ¶ 10.

prohibited from driving under the influence of alcohol and controlled substances.
Response at 3-4.

Regarding vehicles, the Applicant explained that Community plans to use a 2017 Dodge Caravan and a 2019 Dodge Caravan, each of which have “rear entry Braunability conversions.” The Applicant represented that these vehicles are compliant with the Americans with Disabilities Act (ADA) and have seating capacities of three, excluding the driver. Response at 4.

On or about October 30, 2024, the Commission issued a Secretarial Letter explaining that the Application would be published in the *Pennsylvania Bulletin*. The Commission stated that the Application would be submitted for review, provided that no protests were filed on or before November 25, 2024. Accordingly, on November 9, 2024, the Application was published in the *Pennsylvania Bulletin*, informing interested parties that formal protests, petitions to intervene, and any answers must be filed on or before November 25, 2024. *See 54 Pa.B. 7453* (November 9, 2024). No protests to the Application were filed.

On December 16, 2024, the Commission issued a Secretarial Letter (*December 2024 Secretarial Letter*) informing Community that its Application was reviewed and approved by the Commission. However, the Commission also informed the Applicant that before beginning operations, it was required to: (1) have an insurance company file an acceptable Form E, setting forth binding evidence of bodily injury liability insurance; and (2) email a draft paratransit service tariff to the Commission. The Commission stressed that if the requested documents were not submitted within sixty (60) days of the issuance of the *December 2024 Secretarial Letter*, *i.e.*, by no later than February 14, 2025, then the Application could be dismissed, which would require Community to file a new application, along with the payment of a new application fee. *December 2024 Secretarial Letter* at 1-2.

On February 25, 2025, Community filed Tariff Paratransit Pa. PUC No. 1 (Tariff) with the Commission.⁶

On March 5, 2025, the Commission issued the *March 2025 Secretarial Letter* denying and dismissing the Application. In pertinent part, the *March 2025 Secretarial Letter* stated, as follows:

More than sixty (60) days ago, you received [the *December 2024 Secretarial Letter*] stating that the [Commission] approved your [A]pplication for authority, conditioned upon your compliance with specific requirements within sixty (60) days. To date, you have not complied with one or more of the following requirements:

- X Failed to have your insurance company file evidence of bodily injury and property damage liability insurance (Form E) with this Commission**

DISPOSITION – DISMISSAL

Since this Commission has not received all of the requirements listed in [the *December 2024 Secretarial Letter*] within sixty (60) days, **YOUR APPLICATION IS HEREBY DISMISSED** for non-compliance. **YOU MAY NOT OPERATE**. A CERTIFICATE WILL NOT BE ISSUED.

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

In addition, the *March 2025 Secretarial Letter* informed Community that if the Applicant did not agree with the Commission's determination, then it could submit a Petition for Reconsideration from Staff Action with the Commission's Secretary within twenty (20) days of the date of the *March 2025 Secretarial Letter*. The *March 2025*

⁶ We note that the Tariff was stamped as received by the Commission on February 25, 2025.

Secretarial Letter 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, the *March 2025 Secretarial Letter* provided the Applicant with a sample verification statement. *March 2025 Secretarial Letter* at 1-2.

As discussed, *supra*, on March 25, 2025, Community timely filed the instant Petition. No Answer to the Petition has been filed.

However, on July 22, 2025, at Docket Nos. A-2025-3056425 and A-6427470, Community filed a new Application for Motor Common Carrier of Persons in Paratransit Service (*New Application*) with the Commission. On December 5, 2025, TUS issued a Secretarial Letter indicating that the *New Application* was conditionally approved and that a certificate of public convenience (Certificate) would be issued upon Community: (1) having its insurer file a Form E with the Commission; and (2) emailing a tariff draft to the Commission. Subsequently, on March 13, 2026, TUS issued a letter to Community explaining, *inter alia*, that Community had complied with the necessary requirements. Thereafter, while the instant Application was still pending, the Commission issued a Certificate to “Community Connection Transportation LLC” evidencing the Commission’s approval of the Applicant to operate as a motor common carrier of persons in paratransit service, effective March 13, 2026.

II. Discussion

A. Legal Standards

1. Petition for Reconsideration from Staff Action under 52 Pa. Code § 5.44(a).

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).

In considering the appeal from Staff Action, the Application and compliance with Commission Regulations, Section 332(a) of the Public Utility Code (Code), 66 Pa.C.S. § 332(a), provides that the party seeking affirmative relief from the Commission has the burden of proof. In this proceeding, Community is the party seeking affirmative relief from the Commission. Therefore, Community 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) (citing *Se-Ling Hosiery, Inc. v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950)).

In *Se-Ling Hosiery v. Margulies*, *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. *Application of 610 Hauling, LLC, t/a College Hunks Hauling Junk*, *supra*, citing *Norfolk & Western Railway Co. v. Pa. PUC*, 489 Pa. 109, 413 A.2d 1037 (1980); *Murphy v. Pa. Dept. of Public Welfare, White Haven Center*, 480 A.2d 382 (Pa. Cmwlth. 1984).

2. Dismissal as Moot

Generally, “an actual case or controversy must exist at all stages of the judicial or administrative process” or the matter will be dismissed as moot. *See Utility Workers Union of America, Local 69, AFL-CIO v. Pa. PUC*, 859 A.2d 847, 849 (Pa. Cmwlth. 2004) (*Utility Workers Union*).

B. Petition

The Applicant’s Petition consists of the following: (1) a typed response to the *March 2025 Secretarial Letter*; and (2) a verification statement signed by Mr. Marks. Petition at 1-3.

In its Petition, the Applicant states that Community is a Non-Emergency Medical Transportation (NEMT) company. The Applicant represents that Community has not yet had an insurance carrier submit an acceptable Form E because of

circumstances beyond the Applicant's control. According to the Applicant, although it has made every effort to comply with the requirements of the *December 2024 Secretarial Letter* in a timely manner, it has experienced difficulties in securing an insurance policy. In this regard, Community asserts that it has been informed by its insurance broker that insurance companies have become increasingly hesitant to issue insurance policies to NEMT companies, which has resulted in a significant delay in the Applicant's ability to obtain coverage. Community argues that although its owner, Mr. Marks, has a spotless driving record, no criminal history, and four years of experience in the NEMT industry, "insurance companies have provided arbitrary reasons for denying coverage." The Applicant insists that it has acted in good faith throughout the Application process and that it remains committed to meeting all necessary Application requirements as soon as it is able to obtain the requisite insurance coverage. Petition at 1-2.

However, as previously noted, Community subsequently filed the *New Application* for the same type of authority requested with the Application in the instant proceeding and the Commission has acted on the *New Application*. The *New Application* included different information than the Application at issue in this matter and appears to resolve the issues cited in the Commission's *March 2025 Secretarial Letter*. As discussed above, the Commission approved the *New Application* on December 5, 2025, and issued Community a Certificate, effective March 13, 2026.

C. Disposition

In considering the Petition, we note that any argument or issue that we do not specifically delineate shall be deemed to have been duly considered and denied without further discussion. The Commission is 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, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

As discussed above, the Commission has issued the Applicant a Certificate, effective March 13, 2026, which has granted Community the same operating authority it seeks in the instant Application. As noted, *supra*, generally, “an actual case or controversy must exist at all stages of the judicial or administrative process” or the matter will be dismissed as moot. *See Utility Workers Union*. Therefore, given the totality of these circumstances, and in order to secure an efficient and expedient determination in this proceeding, we believe that it is reasonable to dismiss both Community’s Petition and the underlying Application as moot. In our view, dismissal of both the Petition and the instant Application as moot prevents duplicative proceedings and confusion regarding the appropriate docket for filings and represents the most effective use of the Commission’s and Community’s resources.

III. Conclusion

For the reasons discussed herein, we shall: (1) dismiss Community’s Petition as moot; and (2) dismiss Community’s Application as moot, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Petition for Reconsideration from Staff Action, filed by Community Connection Transportation L.L.C., on March 25, 2025, at Docket No. A-2024-3051548, is dismissed as moot, consistent with this Opinion and Order.

2. That the Application of Community Connection Transportation L.L.C., seeking the right to operate as a motor common carrier of persons in paratransit service, filed on October 7, 2024, at Docket No. A-2024-3051548, is dismissed as moot, consistent with this Opinion and Order.

3. That this proceeding, at Docket No. A-2024-3051548, be marked closed.

BY THE COMMISSION,

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

Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: April 30, 2026

ORDER ENTERED: April 30, 2026