

**BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Application of Midtown Home Health Care LLC to :  
transport, as a common carrier, by motor vehicle, :  
persons in paratransit service, from points in the : A-2026-3059960  
Counties of Bucks, Delaware and Montgomery, and :  
the City and County of Philadelphia, to points in :  
Pennsylvania, and return. :

**INITIAL DECISION**

Before  
Alphonso Arnold III  
Administrative Law Judge

**INTRODUCTION**

This Initial Decision dismisses the Application filed by Midtown Home Health Care LLC (“Applicant”) for the failure of the Applicant to comply with an Interim Order of the Presiding Officer to have an attorney enter his or her appearance on its behalf.

**HISTORY OF THE PROCEEDING**

On January 20, 2026, the Applicant filed an Application with the Pennsylvania Public Utility Commission seeking authority to transport, as a common carrier, by motor vehicle, persons in paratransit service, from points in the Counties of Bucks, Delaware and Montgomery, and the City and County of Philadelphia, to points in Pennsylvania, and return (“Application”). No attorney was listed as representing the Applicant in the Application. Application ¶ 8.

On February 7, 2026, the Application was published in the Pennsylvania Bulletin, with a protest deadline of February 23, 2026. *Pennsylvania Bulletin*, 56 Pa.B. 867 (February 7, 2026).

On February 23, 2026, a Joint Protest against the Application was filed by Bucks County Transport, Inc., Bux-Mont Transportation, Inc., Easton Coach Company, Suburban Transit Network, and Tri County Transit Service.

On March 2, 2026, an Initial In-Person Hearing Notice was issued to the parties, scheduling this matter for an evidentiary hearing on April 23, 2026. Of relevance, the Hearing Notice stated the following:

**REPRESENTATION.** If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*. Only an attorney may represent someone else.

March 2, 2026, Hearing Notice.

On March 4, 2026, a Prehearing Order was issued to the parties, providing the parties with the procedural rules that would govern the hearing. Of relevance, the Prehearing Order stated the following:

**6. REPRESENTATION.** If you are an individual, you may represent yourself or you may have an attorney represent you. All others, including a partnership, corporation, trust, association, or governmental agency or subdivision, must be represented by an attorney licensed to practice law in Pennsylvania, or admitted *pro hac vice*. And, unless you are an attorney, you may not represent someone else.

March 4, 2026, Prehearing Order, ¶6.

On March 4, 2026, the Commission issued my Interim Order #1, which directed the Applicant to have an attorney enter his or her appearance on its behalf on or before April 10, 2026.

On April 13, 2026, the Commission issued a Cancellation Notice cancelling the April 23, 2026 evidentiary hearing. The record was closed on this date.

This matter is ready for resolution. For the reasons discussed below, the Application will be dismissed.

#### FINDINGS OF FACT

1. On January 20, 2026, Midtown Home Health Care LLC filed an Application with the Commission seeking authority to transport as a common carrier, by motor vehicle, persons in paratransit service.

2. No attorney was listed as representing the Applicant in the Application. Application ¶ 8.

3. On February 7, 2026, the Application was published in the Pennsylvania Bulletin, with a protest deadline of February 23, 2026. *Pennsylvania Bulletin*, 56 Pa.B. 867 (February 7, 2026).

4. On February 23, 2026, a Joint Protest against the Application was filed by Bucks County Transport, Inc., Bux-Mont Transportation, Inc., Easton Coach Company, Suburban Transit Network, and Tri County Transit Service.

5. On March 2, 2026, the Commission issued an Initial In-Person Hearing Notice scheduling an evidentiary hearing for April 23, 2026.

6. On March 4, 2026, the Commission issued my Prehearing Order which explained the procedural rules that would govern the evidentiary hearing.

7. The Hearing Notice and Prehearing Order informed the parties that only individuals could represent themselves and that all others must be represented by an attorney.

8. On March 4, 2026, the Commission issued my Interim Order #1, which directed the Applicant to have an attorney enter his or her appearance on its behalf on or before April 10, 2026. March 4, 2026, Interim Order #1 at 3.

9. Interim Order #1 warned that failure to comply with the Interim Order would result in cancellation of the hearing and dismissal of the Complaint. March 4, 2026, Interim Order #1 at 4.

10. The Applicant was served with the Hearing Notice, Prehearing Order, and Interim Order #1 by eService to the email address that the Applicant provided to and registered with the Commission.

11. The Hearing Notice, Prehearing Order, and Interim Order #1 were not returned to the Commission as undeliverable.

12. No attorney entered their appearance on behalf of the Applicant in this matter.

13. On April 13, 2026, the Commission issued a Cancellation Notice cancelling the April 23, 2026, hearing.

## DISCUSSION

### *Legal Standards*

#### *Attorney representation*

The Applicant is not represented by an attorney before the Commission in this matter. The Commission's Regulations provide specific requirements concerning representation before the Commission, as set forth in 52 Pa. Code §§ 1.21-1.24. Specifically, the Commission's Regulations provide that while individuals may represent themselves, "persons" in adversarial proceedings must be represented in accordance with 52 Pa. Code § 1.22 (relating to appearance by attorneys and legal interns). 52 Pa. Code § 1.21(a), (b). The term "person" is defined as "individuals, corporations, partnerships, associations, joint ventures, other business organizations, trusts, trustees, legal representatives, receivers, agencies, governmental entities, municipalities or other political subdivisions." 52 Pa. Code § 1.8. Further, the term "adversarial proceeding" is defined as "[a] proceeding initiated by a person to seek authority, approvals, tariff changes, enforcement, fines, remedies or other relief from the Commission which is contested by one or more other persons, and which will be decided on the basis of a formal record." *Id.*

The Commission's regulations further provide that an attorney who signs an initial pleading in a representative capacity shall be considered to have entered an appearance in that proceeding, but that in all other instances shall file with the Secretary a written notice of appearance. 52 Pa. Code § 1.24(b)(1), (2). It is well-settled in Commission practice that participation in a formal adversarial proceeding before the

Commission constitutes the practice of law. *See, e.g., Lesley A. Scheaffer for Leslie W. Scheaffer v. Pa. Pub. Util. Comm'n*, Docket No. F-2016-2577647 (Opinion and Order entered Apr. 3, 2018). As such, that participation is limited to those who either file as individuals and represent themselves or to attorneys who are representing others. *Id.* The Commission cannot empower an individual to engage in the unauthorized practice of law, which is conduct prohibited by Section 2524 of the Judicial Code, which states the following:

**(a) General rule.**--Except as provided in subsection (b), any person, including, but not limited to, a paralegal or legal assistant, who within this Commonwealth shall practice law, or who shall hold himself out to the public as being entitled to practice law, or use or advertise the title of lawyer, attorney at law, attorney and counselor at law, counselor, or the equivalent in any language, in such a manner as to convey the impression that he is a practitioner of the law of any jurisdiction, without being an attorney at law or a corporation complying with 15 Pa.C.S. Ch. 29 (relating to professional corporations), commits a misdemeanor of the third degree upon a first violation. A second or subsequent violation of this subsection constitutes a misdemeanor of the first degree.

42 Pa.C.S. § 2524(a).

*Failure to comply with orders of presiding officers*

The Commission has long held that failure to comply with an order issued by a presiding officer warrants dismissal of the application or complaint. *See, e.g., Application of Robert Bautista t/a Collado Luxury Ride, LLC*, Docket No. A-2015-2476824, (Final Order entered Feb. 1, 2016); *Application of And Ex Car*, Docket No. A-2012-2337848 (Final Order entered June 19, 2013); *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No., C-2008-2065498 (Opinion and Order entered June 24, 2009). More specifically, the Commission has dismissed complaints when a complainant failed

to comply with an order of the presiding officer directing it to have an attorney enter his/her appearance on its behalf. *See Am. Housing Sols. v. York Water Co.*, Docket No. F-2023-3043623 (Final Order entered July 2, 2024); *Application of Home Concept Servs. LLC for approval to provide paratransit serv. in Phila., Montgomery, Bucks and Delaware Cntys.*, Docket No. A-2022-3034706 (Opinion and Order entered Apr. 20, 2023); *Yea Ryong Church c/o David Wong v. Metro. Edison Co.*, Docket No. C 2017- 2626578 (Final Order entered May 9, 2018).

#### *Commission service*

Regarding service, notice eServed to a party's registered email address with no notification that service failed is presumed to have been received. *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

#### *Analysis*

In the Application, the Applicant seeks authority to transport as a common carrier, by motor vehicle, persons in paratransit service. The Application was filed by Hamdi Ibrahim. The Application became contested once the Joint Protest was filed to the Application. At that point, this proceeding became an "adversarial proceeding" as defined by the Commission's regulations. *See* 52 Pa. Code § 1.8. The Applicant is a corporation and as such is a "person" as defined by the Commission's regulations. *See* 52 Pa. Code § 1.8. Persons in adversarial proceedings must be represented by an attorney or certified legal intern. 52 Pa. Code § 1.21(b). No attorney was listed in the Application as representing the Applicant. Application ¶ 8. Thus, the Applicant is unrepresented in this adversarial proceeding.

The Applicant was informed of the Commission's attorney representation requirements in the March 2, 2026 Hearing Notice and the March 4, 2026 Prehearing Order. Both documents were eServed to the Applicant and neither document was returned to the Commission as undeliverable. Therefore, I must presume that the Applicant received both documents. *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

Separately on March 4, 2026, I issued an Interim Order ordering the Applicant to have an attorney enter his or her appearance on its behalf in this proceeding. The Applicant failed to comply with the Order, as no attorney entered his or her appearance in this proceeding on its behalf by the April 10, 2026 deadline. To date, no attorney has entered his or her appearance on behalf of the Applicant. As failure to comply with an order of a presiding officer warrants dismissal of an application, the Application filed in this matter will be dismissed in the Ordering paragraphs below.

#### CONCLUSIONS OF LAW

1. The Commission has jurisdiction over the parties in this proceeding. 66 Pa.C.S. § 701.

2. Notice eServed to a party's registered email address with no notification that service failed is presumed to have been received. *Hu v. PECO Energy Co.*, Docket No. C-2019-3012075 (Order entered Dec. 19, 2019); *Zirkel v. Phila. Gas Works*, Docket No. C-2016-2561176 (Final Order entered Apr. 7, 2017); *Morella v. PECO Energy Co.*, Docket No. C-2016-2553416 (Final Order entered Jan. 31, 2017).

3. Persons in adversarial proceedings must be represented by legal counsel or a certified legal intern in proceedings before the Commission. 52 Pa. Code § 1.21(b).

4. An attorney who signs an initial pleading in a representative capacity shall be considered to have entered an appearance in that proceeding, but that in all other instances shall file with the Secretary a written notice of appearance. 52 Pa. Code § 1.24(b)(1), (2).

5. The term “person” is defined as “individuals, corporations, partnerships, associations, joint ventures, other business organizations, trusts, trustees, legal representatives, receivers, agencies, governmental entities, municipalities or other political subdivisions.” 52 Pa. Code § 1.8.

6. The term “adversarial proceeding” is defined as “[a] proceeding initiated by a person to seek authority, approvals, tariff changes, enforcement, fines, remedies or other relief from the Commission which is contested by one or more other persons and which will be decided on the basis of a formal record.” 52 Pa. Code § 1.8.

7. It is well-settled in Commission practice that participation in a formal adversarial proceeding before the Commission constitutes the practice of law. *See, e.g., Lesley A. Scheaffer for Leslie W. Scheaffer v. Pa. Pub. Util. Comm’n*, Docket No. F-2016-2577647 (Opinion and Order entered Apr. 3, 2018).

8. The Pennsylvania Judicial Code prohibits an individual from engaging in the unauthorized practice of law. 42 Pa.C.S. § 2524.

9. The Commission has long held that failure to comply with an order issued by a presiding officer warrants dismissal of the application or complaint. *See*

*Application of Robert Bautista t/a Collado Luxury Ride, LLC*, Docket No. A-2015-2476824 (Final Order entered Feb. 1, 2016); *Application of And Ex Car*, Docket No. A2012-2337848 (Final Order entered June 19, 2013); *New Fizon Catering, Inc. v. PECO Energy Co.*, Docket No. C-2008-2065498 (Opinion and Order entered June 24, 2009).

10. The Commission has dismissed complaints when a complainant failed to comply with an order of the presiding officer directing it to have an attorney enter his/her appearance on its behalf. *See Am. Housing Sols. v. York Water Co.*, Docket No. F-2023-3043623 (Final Order entered July 2, 2024); *Application of Home Concept Sers. LLC for approval to provide paratransit serv. in Phila., Montgomery, Bucks and Delaware Cntys*, Docket No. A-2022-3034706 (Opinion and Order entered Apr. 20, 2023); *Yea Ryong Church c/o David Wong v. Metro. Edison Co.*, Docket No. C-2017-2626578 (Final Order entered May 9, 2018).

### ORDER

THEREFORE,

IT IS ORDERED:

1. That the Application filed by Midtown Home Health Care LLC at Docket No. A-2026-3059960, is dismissed.

