

PART II. PHILADELPHIA PARKING AUTHORITY

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Authority

The provisions of this Part II issued and amended under 53 Pa.C.S. §§ 5505(d)(17), (23) and (24), 5722 and 5742, unless otherwise noted.

Source

The provisions of this Part II adopted December 2, 2011, effective December 3, 2011, 41 Pa.B. 6499, unless otherwise noted.

Subpart A. GENERAL PROVISIONS

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CHAPTER 1001. RULES OF ADMINISTRATIVE PRACTICE AND PROCEDURE

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Subchapter A. GENERAL PROVISIONS

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§ 1001.1. Purpose.

- (a) The purpose of this part is to facilitate the implementation of the act.
- (b) Certificate holders, brokers, taxicab drivers, limousine drivers, and other persons with current and valid rights issued by the Authority on December 3, 2011, shall maintain those rights through the Authority consistent with this part and the act.

§ 1001.2. Scope of subpart and severability.

- (a) This subpart governs practice and procedure before the Authority, and is intended to supplement 2 Pa.C.S. (relating to administrative law and procedure) and 1 Pa. Code Part II (relating to General Rules of Administrative Practice and Procedure).
- (b) The provisions of every section, subsection or other division of this part are severable. If any provision of any section, subsection or other division of this part or the application thereof to any person or circumstance is held invalid, the remainder of the section, subsection or other division, and the application of that provision to other persons or circumstances, will not be affected thereby, unless a court finds that the valid provisions of the section, subsection or other division are so essentially and inseparably connected with, and so depend upon, the void provision or application, that it cannot be presumed the Authority would have promulgated the remaining valid provisions without the void one; or unless the court finds that the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.
- (c) Subsection (a) supersedes 1 Pa. Code § 31.1 (relating to scope of part).

§ 1001.3. Liberal construction.

- (a) This subpart shall be liberally construed to secure the just, speedy and inexpensive determination of every action, proceeding or issue presented to which it is applicable. The Authority or presiding officer at any stage of an action or proceeding may disregard an error or defect of procedure which does not affect the substantive rights of the parties.
- (b) The singular includes the plural, and the plural, the singular. Words used in the masculine gender include the feminine and neuter. Words used in the past or present tense include the future.
- (c) The Authority or presiding officer at any stage of an action or proceeding may waive a requirement of this subpart when necessary or appropriate, if the waiver does not adversely affect a substantive right of a party.
- (d) These liberal construction provisions apply with particularity in proceedings involving pro se litigants.

(e) Subsection (a) supersedes 1 Pa. Code § 31.2 (relating to liberal construction).

§ 1001.4. Information and special instructions.

(a) Information as to procedures under this subpart, and instructions supplementing this subpart in special instances can be obtained, upon application to:

Clerk
Office of the Clerk
Philadelphia Parking Authority
Taxicab and Limousine Division
2415 South Swanson Street
Philadelphia, Pennsylvania 19148

(b) Subsection (a) supersedes 1 Pa. Code § 31.4 (relating to information and special instructions).

§ 1001.5. Office of the Clerk.

(a) The Clerk will have the following duties:

(1) Receive and docket pleadings and other documents required by this part to be filed with the Clerk.

(2) Receive and process any document to be filed with the Authority when a specific Authority office to receive the document has not otherwise been designated by the act, this part or an order of the Authority.

(b) Filings and requests for practice and procedure information should be directed to:

Clerk
Office of the Clerk
Philadelphia Parking Authority
Taxicab and Limousine Division
2415 South Swanson Street
Philadelphia, Pennsylvania 19148

(c) The Clerk will maintain a docket of proceedings. Each proceeding as initiated will be assigned a docket number. The docket will be available for inspection and copying by the public during the Authority's office hours.

Cross References

This section cited in 52 Pa. Code § 1001.10 (relating to definitions).

§ 1001.6. Filing generally.

(a) Pleadings and other documents required to be filed with the Authority must clearly designate the docket number or similar identifying symbols, if any, employed by the Authority, and set forth a short title. The identity of the individual making the submission, including name, mailing address and status (for example, party or attorney for a party) must appear on the document.

(b) Pleadings, including documents filed under this subpart, must also comply with Subchapter D (relating to documentary filings).

(c) If a pleading tendered for filing does not comply with this subpart, does not sufficiently set forth required material or is otherwise insufficient, the Authority may decline to accept it for filing and may return it without filing, or the Authority may accept it for filing and advise the person tendering it of the deficiency and require that the deficiency be corrected.

(d) The Authority may order redundant, immaterial, impertinent or scandalous matter stricken from documents filed with it.

(e) Subsections (a)—(d) supersede 1 Pa. Code § 31.5 (relating to communications and filings generally).

Cross References

This section cited in 52 Pa. Code § 1005.21 (relating to petitions generally).

§ 1001.7. Amendment to rules.

(a) Persons may file a petition as provided in § 1005.23 (relating to petitions for issuance, amendment, repeal or waiver of Authority regulations) requesting a general and permanent change in this subpart.

(b) Subsection (a) supersedes 1 Pa. Code § 31.6 (relating to amendments to rules).

§ 1001.8. Authority office hours and address.

Unless otherwise directed by the Executive Director of the Authority, the Authority offices will be open from 8:30 a.m. until 4:30 p.m. on business days except Saturdays, Sundays and legal holidays. The Authority may be open on Saturdays by appointment. The appropriate address for service of any Authority employee or officer may be obtained on the Authority's web site at www.philapark.org/tld.

Cross References

This section cited in 52 Pa. Code § 1003.32 (relating to out of service designation).

§ 1001.9. Sessions of the Authority.

Public meetings of the Authority ordinarily will be held in its offices at 701 Market Street, Suite 5400, Philadelphia, Pennsylvania. Schedules for public meetings are advertised and posted under 65 Pa.C.S. Chapter 7 (relating to Sunshine Act) and copies of the schedule can be obtained on the Authority's web site at www.philapark.org.

Source

The provisions of this § 1001.9 amended August 29, 2014, effective August 30, 2014, 44 Pa.B. 5662. Immediately preceding text appears at serial page (360316).

§ 1001.10. Definitions.

(a) Subject to additional definitions contained in subparts which are applicable to specific chapters or subchapters, the following words and terms, when used in this part, have the following meanings, unless the context clearly indicates otherwise:

Act—53 Pa.C.S. Chapters 55, 57, 57A and 57B.

Adjudication—An order, decree, decision, determination or ruling by the Authority affecting personal or property rights, privileges, immunities, duties, liabilities or obligations of the parties to the proceeding in which the adjudication is made.

Adversarial proceeding—A proceeding initiated by a person to seek Authority approvals, tariff changes, enforcement, remedies, issuance of fines or other relief by order of the Authority which is contested by one or more other persons and which will be decided on the basis of a formal record.

Applicant—A person, who on his own behalf or on behalf of another, is applying for permission to engage in an act or activity which is regulated under the act or this part.

Approved, approval or approve—The date that an application to the Authority is granted regardless of the pendency of administrative or judicial appeals or other legal action challenging the decision of the Authority.

Arrest—Detaining, holding or taking into custody by police or other law enforcement authorities to answer for an alleged commission of an offense.

Authority—The Philadelphia Parking Authority.

Authorized agent—A person with permission to legally act on behalf of the filing user.

Board—A quorum of the members of the Philadelphia Parking Authority appointed under 53 Pa.C.S. § 5508.1 (relating to special provisions for authorities in cities of the first class).

Broker—An individual authorized by the Authority as provided in § 1029.8 (relating to broker registration approval) to prepare application-related documents, appear at settlements, and otherwise act on behalf of a party as to matters related to the sale or transfer of transferable rights.

Call or demand service—Local common carrier service for passengers, rendered on an exclusive basis, when the service is characterized by the fact that passengers normally hire the vehicle and its driver either by telephone call or by hail, or both.

Certificate—

(i) A certificate of public convenience issued by the Authority under the act.

(ii) The term does not include a driver's certificate or broker registration.

Certificate holder—The person to whom a certificate is issued.

City of Philadelphia or Philadelphia—A city of the first class in this Commonwealth.

Clerk—The Authority employee with whom pleadings and other documents are filed, and with whom official records are kept under § 1001.5 (relating to Office of the Clerk) and as otherwise provided for in this part.

Common carrier—

(i) A common carrier by motor vehicle, within the scope of the act, who or which holds out or undertakes, directly or indirectly, the transportation of passengers within the City of Philadelphia by motor vehicle for compensation.

(ii) The term does not include common carriers by rail, water or air, and express or forwarding public utilities insofar as the common carriers or public utilities are engaged in these motor vehicle operations.

Compensation—A thing of value, money or a financial benefit conferred on or received by a person in return for services rendered, or to be rendered, whether by that person or another.

Contested complaint—A formal complaint.

Conviction—A finding of guilt or a plea of guilty or nolo contendere whether or not a judgment of sentence has been imposed as determined by the law of the jurisdiction in which the prosecution was held relating to any of the following:

- (i) A crime for any of the following within the preceding 7 years:
 - (A) A felony conviction involving theft.
 - (B) A felony conviction for fraud.
 - (C) A felony conviction for a violation of The Controlled Substance, Drug, Device and Cosmetic Act (35 P.S. §§ 780-101—780-144).
 - (D) A felony conviction under 18 Pa.C.S. § 2706 (relating to terroristic threats) or a similar statute in another jurisdiction.
- (ii) A crime for any of the following within the preceding 10 years:
 - (A) Use of a motor vehicle to commit a felony.
 - (B) Burglary or robbery.
- (iii) A crime for any of the following at any time:
 - (A) A sexual offense under 42 Pa.C.S. § 9799.14(c) or (d) (relating to sexual offenses and tier system) or similar offenses under the laws of another jurisdiction or under a former law of the Commonwealth.
 - (B) A crime of violence as defined in 18 Pa.C.S. § 5702 (relating to definitions).
 - (C) An act of terror.

Criminal history report—The report issued by the State Police, similar government entity in a jurisdiction outside this Commonwealth or a third-party report which will identify any convictions associated with an individual. A third-party report shall be conducted on a local and National background check, which must include a multistate or multijurisdictional criminal records locator

or other similar Nationwide database with primary source validation and a review of the United States Department of Justice's National Sex Offender Public Website.

Director—The Director of the Authority's Taxicab and Limousine Division as provided in § 1003.72 (relating to TLD staffing generally).

Dispatcher—

(i) The owner of a certificate of public convenience to operate a dispatching service in Philadelphia issued by the Authority under section 5711(c)(6) of the act (relating to power of authority to issue certificates of public convenience) and Chapter 1019 (relating to dispatchers).

(ii) The term includes a wheelchair accessible vehicle (WAV) taxicab dispatcher as provided in § 1011.2 (relating to definitions).

Electronic mail or email—A means of dispatching or receiving notice or a submittal in relation to an Authority matter through electronic means.

Enforcement Department—The department of the TLD created under § 1003.74 (relating to Enforcement Department).

Enforcement proceeding—A proceeding initiated by the Authority through the issuance of a formal complaint averring any violation of the act, this part or an order of the Authority.

Exclusive service—Transportation on a given trip when the first or principal person, party or group hiring the vehicle has the exclusive right to determine where, when or if another passenger shall be carried on that trip.

Ex parte communication—

(i) Any off-the-record communications regarding a pending matter before the Authority or which may reasonably be expected to come before the Board in a contested on-the-record proceeding.

(ii) The term does not include off-the-record communications by and between members, staff and employees of the Authority, the PUC, the State Police, the Attorney General or other law enforcement officials necessary for their official duties under this part.

Executive Director—The Authority's chief operating officer.

Fiscal year—The period which begins on July 1 and terminates the following June 30.

Formal complaint—A written document filed with the Clerk initiating an enforcement action as provided in Chapter 1005 (relating to formal proceedings).

Formal proceeding—A matter intended to produce a formal record.

Formal record—The pleadings and submittals in a matter or proceeding, a notice or Authority order initiating the matter or proceeding and, if a hearing is held, all of the following: the designation of the presiding officer, transcript of hearing, exhibits received in evidence, offers of proof, motions, stipulations, subpoenas, proofs of service, references to the Authority and determinations

made by the Authority thereon, certifications to the Authority, and anything else upon which action of the presiding officer or the Authority may be based.

Friendly cross-examination—Cross-examination of a witness by a party who does not disagree with the witness' position on an issue.

General Counsel—The chief legal counsel to the Authority.

Individual—A natural person.

Informal complaint—A document or communication to the Authority seeking action on a matter as provided in § 1003.41 (relating to form and content of informal complaints).

Informal investigation—A matter initiated by Authority staff that may result in a formal complaint, a settlement or other resolution of the matter or termination by letter.

Limousine—A vehicle authorized to by the Authority to provide limousine service.

Limousine driver—The individual to whom a current and valid limousine driver's certificate has been issued by the Authority under section 5706 of the act (relating to driver certification program).

Limousine service—The term as defined in section 5701 of the act (relating to definitions).

Manager of Administration—The individual appointed to manage the Administration Department of the TLD as provided in § 1003.72. The Manager of Administration may be contacted at TLD Headquarters or by email to TLDAdmin@philapark.org.

Manager of Enforcement—The individual appointed to manage the Enforcement Department of the TLD as provided in § 1003.74. The Manager of Enforcement may be contacted at TLD Headquarters or by email to TLDEnforcement@philapark.org.

Nonadversarial proceeding—A proceeding initiated by a person which is not contested or a proceeding initiated by the Authority or at the request of a person to develop regulations, policies, procedures, technical rules or interpretations of law.

PUC—The Pennsylvania Public Utility Commission.

Party—

(i) A person who appears in a proceeding before the Authority, including interveners, protestants, petitioners, respondents and certificate holders.

(ii) The term includes the interests of the Authority which may be represented by the Enforcement Department, the TLD, other Authority staff or trial counsel, or all of them.

Person—Except as otherwise provided in this part or in the act, a natural person, corporation, foundation, organization, business trust, estate, limited liability company, licensed corporation, trust, partnership, limited liability part-

nership, association, representatives, receivers, agencies, governmental entities, municipalities or other political subdivisions, or other form of legal business entity.

Personal vehicle—A vehicle used by a TNC driver to provide transportation network service in accordance with Chapter 57A of the act (relating to transportation network companies).

Petitioners—Persons seeking relief, not otherwise designated in this section.

Pleading—An application, complaint, petition, answer, motion, preliminary objection, protest, reply, new matter and reply to new matter or other similar document filed in a formal proceeding.

Presiding officer—

(i) A member or members of the Authority's Board, or other person designated by the Authority or this part to conduct proceedings.

(ii) A hearing officer as used in section 5705 of the act (relating to contested complaints).

(iii) This definition supersedes 1 Pa. Code § 31.3 (relating to definitions).

Proof of service—A certificate of service which complies with §§ 1001.55 and 1001.56 (relating to proof of service; and form of certificate of service).

Protestants—Persons objecting on the ground of private or public interest to the approval of an application or other matter which the Authority may have under consideration.

Recommended decision—An opinion and order submitted for the approval of the Authority by the presiding officer.

Regulated person or *regulated party*—A certificate holder, broker, taxicab driver or other person subject to the act.

Respondents—Persons subject to a statute or other delegated authority administered by the Authority who are required to respond to an order or notice issued by the Authority instituting a proceeding or investigation on its own initiative or otherwise.

Rights—A certificate of public convenience, driver's certificate, registration or waiver issued to a regulated party by the Authority under the act.

Sale—A change in ownership of a transferable right, including a change in ownership of securities in an entity that owns transferable rights.

Securities—The term as defined in section 102 of the Pennsylvania Securities Act of 1972 (70 P.S. § 1-102).

Staff—Employees or agents of the Authority assigned to implement the act, this part or an order of the Authority.

State Police—The Pennsylvania State Police.

Submittal—An application, amendment, exhibit or similar document involving matters filed in an adversarial or nonadversarial proceeding.

TLD—Taxicab and Limousine Division—The division of the Authority comprised of staff assigned to implement the purposes of the act, this part and the orders of the Authority.

TLD Headquarters—The office of the TLD identified on the Authority’s web site at www.philapark.org/tld. Unless specifically provided otherwise, communications with any Authority staff member shall be directed to TLD Headquarters.

TNC—Transportation network company—A person or an entity that obtains a license to operate a transportation network service by the Authority and uses a digital network to facilitate prearranged rides under Chapter 57A of the act.

TNC driver—A person who uses a personal vehicle to offer or provide a prearranged ride to passengers upon connection through a digital network controlled by a TNC in return for compensation or payment of a fee under Chapter 57A of the act.

Taxicab—

(i) A motor vehicle designed for carrying no more than eight passengers, exclusive of the driver, as defined in section 5701 of the act and certified by the Authority under the act, this part or an order of the Authority.

(ii) The term includes partial-rights taxicabs, medallion taxicabs and other vehicles authorized by the Authority to provide call or demand service.

Taxicab certificate—

(i) A certificate issued by the Authority authorizing the holder to provide taxicab service under the act, this part or an order of the Authority.

(ii) The term includes medallion taxicab certificates and partial-rights taxicab certificates.

Taxicab driver—

(i) The individual to whom a current and valid taxicab driver’s certificate has been issued by the Authority under section 5706 of the act.

(ii) The term includes a WAV taxicab driver as provided in § 1011.2.

Taxicab driver’s certificate—The original photographic identification card issued by the Authority which confirms that an individual has complied with Chapter 1021 (relating to taxicab drivers) and is authorized to provide taxicab service under section 5706 of the act.

Taxicab service—

(i) The transportation of passengers or offering to transport passengers in a taxicab as a common carrier call or demand service in Philadelphia.

(ii) The term includes the stopping, standing or parking of a taxicab in a taxicab stand line or other location commonly used by the public to access taxicabs.

(iii) The term includes partial-rights taxicabs, medallion taxicabs and other vehicles authorized by the Authority to provide call or demand service.

Transferable rights—Rights issued by the Authority and identified as transferable in § 1027.2 (relating to transferable rights).

Trial counsel—An attorney admitted to practice law before the Supreme Court of Pennsylvania who is assigned to the Office of Trial Counsel to prosecute complaints on behalf of the Authority as provided in § 1003.75 (relating to Office of Trial Counsel).

Verification—When used in reference to a written statement of fact by the signer, the term means supported by one of the following:

- (i) An oath or affirmation before an officer authorized by law to administer oaths, or before a particular officer or individual designated by law as one before whom it may be taken, and officially certified to in the case of an officer under seal of office.
 - (ii) An unsworn statement made subject to the penalties in 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
- (b) Subsection (a) supersedes 1 Pa. Code § 31.3.

Authority

The provisions of this § 1001.10 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1001.10 amended August 29, 2014, effective August 30, 2014, 44 Pa.B. 5662; temporarily amended May 5, 2017, effective February 25, 2017, expire upon promulgation of final-form regulations or on November 5, 2018, whichever is later, as set forth in 53 Pa.C.S. § 57B02(b), 47 Pa.B. 2558. Immediately preceding text appears at serial pages (360317) to (360318), (373095) to (373099) and (360323).

Cross References

This section cited in 52 Pa. Code § 1011.5 (relating to ineligibility due to conviction or arrest); 52 Pa. Code § 1011.9 (relating to taxicab service limitations); 52 Pa. Code § 1019.3 (relating to dispatcher application); 52 Pa. Code § 1021.2 (relating to certification required); 52 Pa. Code § 1021.5 (relating to standards for obtaining a taxicab driver's certificate); 52 Pa. Code § 1027.7 (relating to required application information); 52 Pa. Code § 1029.5 (relating to broker registration); 52 Pa. Code § 1051.5 (relating to ineligibility due to conviction or arrest); 52 Pa. Code § 1051.8 (relating to limousine service limitations); 52 Pa. Code § 1057.2 (relating to certification required); 52 Pa. Code § 1057.5 (relating to standards for obtaining a limousine driver's certificate); and 52 Pa. Code § 1059.6 (relating to required application information).

Subchapter B. TIME

- Sec.
- 1001.11. Date of filing.
 - 1001.12. Computation of time.
 - 1001.13. Issuance of Authority orders.
 - 1001.14. Effective dates of Authority orders.
 - 1001.15. Extensions of time and continuances.

Cross References

This subpart cited in 1057.3 (relating to continuing certificates).

1001-11

§ 1001.11. Date of filing.

(a) Whenever a pleading, submittal or other document is required or permitted to be filed under this part or by statute, it will be deemed to be filed on the date actually received with the Clerk, or other office as specifically designated by the Authority.

(b) Subsection (a) supersedes 1 Pa. Code § 31.11 (relating to timely filing required).

Cross References

This section cited in 52 Pa. Code § 1001.36 (relating to verification and affidavit); 52 Pa. Code § 1001.81 (relating to amendments); 52 Pa. Code § 1005.211 (relating to exceptions to recommended decisions); and 52 Pa. Code § 1005.212 (relating to replies).

§ 1001.12. Computation of time.

(a) Except as otherwise provided by statute, in computing a period of time prescribed or allowed by this part or by statute, the day of the act, event or default after which the designated period of time begins to run is not included. The last day of the period is included, unless it is Saturday, Sunday or a legal holiday in this Commonwealth, in which event the period shall run until the end of the next day which is neither a Saturday, Sunday or holiday. A part-day holiday shall be considered as a holiday. Intermediate Saturdays, Sundays and legal holidays shall be included in the computation.

(b) Except as otherwise provided by statute, in computing a period of time prescribed or allowed by this part or by statute which is measured by counting a specified number of days backward from a scheduled future act, event or default, the day of the scheduled future act, event or default is not included. The day on which the prescribed or allowed action is to occur shall be included, unless it is a Saturday, Sunday or a legal holiday in this Commonwealth, in which event the day of the prescribed or allowed action shall run until the next preceding day which is neither a Saturday, Sunday or holiday. A part-day holiday shall be considered as a holiday. Intermediate Saturdays, Sundays and legal holidays are included in the computation.

(c) Subsection (a) supersedes 1 Pa. Code § 31.12 (relating to computation of time).

§ 1001.13. Issuance of Authority orders.

(a) In computing a period of time involving the date of the issuance of an order by the Authority, the day of issuance of an order will be the date the Clerk enters the order. An order will not be made public prior to its entry except when, in the Authority's judgment, the public interest so requires. The date of entry of an order may or may not be the day of its adoption by the Authority. The Clerk will clearly indicate on each order the date of its adoption by the Authority and the date of its entry.

(b) An order of a presiding officer will contain notice of the date the order will become effective as an adjudication of the Authority, in the absence of Authority review as provided in § 1005.213 (relating to final orders and effect of failure to file exceptions).

(c) The date of entry of an order which is subject to review by Commonwealth Court is governed by Pa.R.A.P. No. 108 (relating to date of entry of orders). The date of issuance of any other order shall be deemed to be the date of entry for the purposes of computing the time for appeal under an applicable statute relating to judicial review of Authority action.

(d) Subsections (a)—(c) supersede 1 Pa. Code § 31.13 (relating to issuance of agency orders).

§ 1001.14. Effective dates of Authority orders.

(a) An order of the Authority promulgating regulations shall be effective upon publication in the *Pennsylvania Bulletin* unless otherwise specially provided in the order.

(b) Except as provided in subsection (a), an order of the Authority shall be effective as of the date of entry unless otherwise specially provided in the order.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 31.14 (relating to effective dates of agency orders).

§ 1001.15. Extensions of time and continuances.

(a) Extensions of time shall be governed by the following:

(1) Except as otherwise provided by statute, whenever under this part or by order of the Authority, or notice given thereunder, an act is required or allowed to be done at or within a specified time, the time fixed or the period of time prescribed may, by the Authority, the presiding officer or other authorized person, for good cause be extended upon motion made before expiration of the period originally prescribed or as previously extended. Upon motion made after the expiration of the specified period, the act may be permitted to be done where reasonable grounds are shown for the failure to act.

(2) Requests for the extension of time in which to file briefs shall be filed at least 5 days before the time fixed for filing the briefs unless the presiding officer, for good cause shown, allows a shorter time.

(b) Except as otherwise provided by statute, requests for continuance of hearings or for extension of time in which to perform an act required or allowed to be done at or within a specified time by this part by order of the Authority or the presiding officer, shall be by motion in writing, timely filed with the Authority, stating the facts on which the application rests, except that during the course of a proceeding, the requests may be made by oral motion in the hearing before the Authority or the presiding officer. Only for good cause shown will requests for continuance be considered. The requests for a continuance should be filed at least 5 days prior to the hearing date.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 31.15 (relating to extensions of time).

Cross References

This section cited in 52 Pa. Code § 1005.62 (relating to amendments to conform to the evidence) and 52 Pa. Code § 1005.192 (relating to filing and service of briefs).

Subchapter C. REPRESENTATION BEFORE THE AUTHORITY

Sec.

- 1001.21. Appearance.
- 1001.22. Appearance by attorney or certified legal intern.
- 1001.23. Other representation prohibited at hearings.
- 1001.24. Notice of appearance or withdrawal.
- 1001.25. Form of notice of appearance.
- 1001.26. Contemptuous conduct.
- 1001.27. Suspension and disbarment.
- 1001.28. Power of attorney.

§ 1001.21. Appearance.

- (a) Individuals may represent themselves.
- (b) Persons may be represented in accordance with § 1001.22 (relating to appearance by attorney or certified legal intern).

(c) Subject to subsections (a) and (b), in a proceeding before the Authority or a presiding officer, persons may be represented in the following manner:

(1) A partner may represent the partnership.

(2) A bona fide officer of a corporation, trust or association may represent the corporation, trust or association.

(3) An officer or employee of an agency, political subdivision or government entity may represent the agency, political subdivision or government entity.

(d) For an individual to represent an entity under subsection (c), the following information shall be presented along with any pleading or other document filed with the Clerk or to the presiding officer at the time of proceeding, whichever occurs first:

(1) For individuals appearing under subsection (c)(1) and (2):

(i) Confirmation of the individual's position with the represented entity.

(ii) A copy of a board resolution from the entity or a notarized letter from the entity's secretary confirming the individual's authorization to represent the entity.

(2) For individuals appearing under subsection (c)(3):

(i) A copy of the photographic identification card of the officer or employee issued by the agency, political subdivision or government entity.

(ii) An original letter executed by an authorized representative of the agency, political subdivision or government entity, other than the individual appearing in the proceeding before the Authority.

(3) The Authority or a presiding officer may review information submitted as provided in this subsection for sufficiency and may require supplementation or otherwise refuse acceptance of the information and then deny the requested representational status of the individual if the information submitted appears inauthentic.

(e) Subsections (a)—(d) supersede 1 Pa. Code § 31.21 (relating to appearance in person).

Cross References

This section cited in 52 Pa. Code § 1001.22 (relating to appearance by attorney or certified legal intern); and 52 Pa. Code § 1001.23 (relating to other representation prohibited at hearings).

§ 1001.22. Appearance by attorney or certified legal intern.

(a) Subject to § 1001.21(a) and (b) (relating to appearance), an attorney at law admitted to practice before the Supreme Court of Pennsylvania shall represent persons in Authority proceedings.

(b) An attorney not licensed in this Commonwealth may appear before the Authority in accordance with the Pennsylvania Bar Admission Rules.

(c) A law student meeting the requirements in Pa.B.A.R. No. 321 (relating to requirements for formal participation in legal matters by law students and law school graduates) may appear in an Authority proceeding consistent with Pa.B.A.R. No. 322 (relating to authorized activities of certified legal interns).

(d) Subsections (a)—(c) supersede 1 Pa. Code § 31.22 (relating to appearance by attorney).

Cross References

This section cited in 52 Pa. Code § 1001.21 (relating to appearance); and 52 Pa. Code § 1001.23 (relating to other representation prohibited at hearings).

§ 1001.23. Other representation prohibited at hearings.

(a) Persons may not be represented at a hearing before the Authority or a presiding officer except as stated in § 1001.21 or § 1001.22 (relating to appearance; and appearance by attorney or certified legal intern).

(b) Subsection (a) supersedes 1 Pa. Code § 31.23 (relating to other representation prohibited at hearings).

§ 1001.24. Notice of appearance or withdrawal.

(a) *Individuals.* An individual appearing without legal representation before the Authority or a presiding officer shall file with the Clerk an address for service of a notice or other written communication. A change in address which occurs during the course of the proceeding shall be reported to the Clerk promptly.

(b) *Attorneys.*

(1) *Appearance by initial pleading.* An attorney who signs an initial pleading in a representative capacity will be considered to have entered an appearance in that proceeding.

(2) *Appearance in all other instances.* An attorney shall file a written notice of appearance with the Clerk.

(i) *Content of notice.* Initial pleadings, entries of appearance and notices of withdrawal must include:

(A) The attorney's name, mailing address and electronic mailing address.

(B) A Pennsylvania attorney identification number or, if not licensed in this Commonwealth, identification of the jurisdictions in which the attorney is licensed to practice law.

(C) A telephone number and telefacsimile number.

(D) The name and address of the person represented.

(ii) *Filing.*

(A) *Appearance.* The notice of appearance shall be served on the parties to the proceeding, and a certificate of service shall be filed with the Clerk.

(B) *Change in information.* A change in information provided in the notice of appearance which occurs during the course of the proceeding shall be reported to the Clerk and the parties promptly.

(3) *Withdrawal.* An attorney may withdraw an appearance by filing a written notice of withdrawal with the Clerk. The notice shall be served on the parties and the presiding officer, if one has been designated.

(c) *Supersession.* Subsections (a) and (b) supersede 1 Pa. Code § 31.24 (relating to notice of appearance).

Cross References

This section cited in 52 Pa. Code § 1001.53 (relating to service on attorneys).

§ 1001.25. Form of notice of appearance.

(a) A form of notice of appearance to be used by attorneys appearing before the Authority is available at the Authority’s web site at www.philapark.org/tld and must be substantially similar to the following:

**BEFORE THE
PHILADELPHIA PARKING AUTHORITY**

In the Matter of:

NOTICE OF APPEARANCE

Please enter my appearance in the above-designated matter on behalf of:

I am authorized to accept service on behalf of said party in this matter

On the basis of this notice, I request a copy of each document hereafter issued by the Authority in this matter.

I am already receiving or have access to a copy of each document issued by the Authority in this matter (alone, or in a consolidated proceeding) and do not on the basis of this notice require an additional copy.

_____ Signature	_____ Name (Printed)
_____ P. O. Box/Address	_____ City, state and zip code
_____ Telephone Number	_____ Telefacsimile Number (including area code)
_____ Pennsylvania Attorney I.D. No./ Other Jurisdiction(s) Admitted	_____ Email Address

(b) *Supersession.* Subsection (a) supersedes 1 Pa. Code § 31.25 (relating to form of notice of appearance).

§ 1001.26. Contemptuous conduct.

(a) Contemptuous conduct at a hearing before the Authority or a presiding officer will be grounds for exclusion from the hearing and for summary suspension without a hearing for the duration of the hearing.

(b) Subsection (a) supersedes 1 Pa. Code § 31.27 (relating to contemptuous conduct).

§ 1001.27. Suspension and disbarment.

(a) The Authority may deny, temporarily or permanently, the privilege of appearing or practicing before it in any way to a person who is found by the Authority, after notice and opportunity for hearing in the matter, to have done one or more of the following:

- (1) Lacked the requisite qualifications to represent others.
- (2) Lacked the requisite technical education, training or experience for a particular project or type of project submitted for Authority approval.
- (3) Engaged in unethical, contemptuous or improper conduct before the Authority.
- (4) Repeatedly failed to follow Authority or presiding officer directives.

(b) For the purpose of subsection (a), practicing before the Authority includes:

- (1) Transacting business with the Authority.
- (2) The preparation of a statement, opinion or other paper by an attorney, accountant, broker, engineer or other expert, filed with the Authority in a pleading, application, submittal or other document with the consent of the attorney, accountant, broker, engineer or other expert.
- (3) Appearances at a hearing before the Authority or a presiding officer.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 31.28 (relating to suspension and disbarment).

Cross References

This section cited in 52 Pa. Code § 1005.186 (relating to manner of conduct of hearings).

§ 1001.28. Power of attorney.

A certificate holder may be represented by one individual attorney-in-fact at appointments identified in this part or as otherwise permitted by law.

Cross References

This section cited in 52 Pa. Code § 1013.36 (relating to bid opening); 52 Pa. Code § 1017.41 (relating to attendance at scheduled inspection); 52 Pa. Code § 1027.6 (relating to application for sale of transferable rights); 52 Pa. Code § 1029.10 (relating to broker agreements required); 52 Pa. Code § 1055.18 (relating to attendance at scheduled inspection); 52 Pa. Code § 1059.5 (relating to applications for sale of transferable rights); and 52 Pa. Code § 1059.7 (relating to additional application requirements).

Subchapter D. DOCUMENTARY FILINGS

Sec.

- 1001.31. Requirements for documentary filings.
- 1001.32. Filing specifications.
- 1001.33. Incorporation by reference.
- 1001.34. Single pleading or submittal covering more than one matter.
- 1001.35. Execution.
- 1001.36. Verification and affidavit.
- 1001.37. Number of copies to be filed.
- 1001.38. Rejection of filings.

Cross References

This subchapter cited in 52 Pa. Code § 1001.61 (relating to penalties); and 52 Pa. Code § 1005.149 (relating to copies and form of documentary evidence).

§ 1001.31. Requirements for documentary filings.

(a) *Form.* Pleadings must be divided into consecutively numbered paragraphs. Each paragraph must contain as far as practicable only one material allegation.

(b) *Specificity.* The material facts on which a pleading is based shall be stated in a concise and summary form. Averments of time, place and items of special damage shall be specifically stated.

(c) *Certain averments.* Averments of fraud or mistake shall be averred with particularity. Malice, intent, knowledge and other conditions of mind may be averred generally.

(d) *Relief requested.* Any pleading demanding relief must specify the relief sought. Relief in the alternative or of several different types may be demanded.

(e) *Attachments.* Copies of documents relied upon in the pleadings shall be identified and attached. Copies of reported court decisions, writings or orders already of record with the Authority need not be attached to the pleading if reference by docket number is made to the proceeding in which they were filed in accordance with § 1001.33 (referring to incorporation by reference).

(f) *Identifying information.* Documents filed with the Authority in a proceeding must clearly contain the following information:

- (1) The docket number or similar identifying symbols, if any.
- (2) The title or caption of the proceeding before the Authority.
- (3) Within the title of the document, the name of the person on whose behalf the filing is made. If more than one person is involved, only a single name is necessary.
- (4) The unique identification number assigned to the Authority rights at issue in the pleading and the number assigned to any other Authority rights owned or issued to the filing party, or both, if any.

(g) *Caption.* Every pleading must contain a caption setting forth the “Philadelphia Parking Authority,” the number of the action and the name of the pleading. The caption of an initial pleading must set forth the names of all the parties, but in subsequent pleadings it is sufficient to state the name of the first party on

each side in the complaint with an appropriate indication of other parties. The caption must be substantially similar to the following:

**BEFORE THE
PHILADELPHIA PARKING AUTHORITY**

Complainant	:	
Complainant,	:	
	:	
v.	:	Docket No.
	:	
Respondent	:	
Respondent.	:	

COMPLAINT

(h) *Supersession.* Subsections (a)—(g) supersede 1 Pa. Code § 33.1 (relating to title).

Cross References

This section cited in 52 Pa. Code § 1005.21 (relating to petitions generally); and 52 Pa. Code § 1005.41 (relating to answers to complaints, petitions, motions and other filings requiring a response).

§ 1001.32. Filing specifications.

(a) A filing made with the Authority must be:

(1) *Typewritten.* Pleadings, submittals or other documents filed in proceedings, if not printed, must be typewritten on paper cut or folded to letter size, 8 to 8 1/2 inches wide by 10 1/2 to 11 inches long, with left-hand margin at least 1 inch wide and other margins at least 1 inch. The impression must be on only one side of the paper, unless there are more than four pages, and be double spaced, except that quotations in excess of a few lines must be single spaced and indented. Reproduced copies will be accepted as typewritten, if copies are clearly legible.

(2) *Printed.* Printed documents must be at least 12-point type on unglazed paper, cut or folded so as not to exceed 8 1/2 inches wide by 11 inches long, with inside margin at least 1 inch wide, and with double-leaded text and single-leaded, indented quotations.

(3) *Bound.* Pleadings, submittals and other documents, other than correspondence, must be stapled, fastened or otherwise bound at the left side only.

(b) *Supersession.* Subsection (a) supersedes 1 Pa. Code § 33.2 (relating to form).

Cross References

This section cited in 52 Pa. Code § 1005.21 (relating to petitions generally); and 52 Pa. Code § 1005.41 (relating to answers to complaints, petitions, motions and other filings requiring a response).

§ 1001.33. Incorporation by reference.

(a) Documents on file with the Authority may be incorporated by reference into a subsequent pleading, submittal or other document. A document may be so incorporated only by reference to the specific document and to the prior filing and docket number at which it was filed.

(b) Documents on file with the Authority for more than 5 years may not be incorporated by reference in a current document unless the person filing the current document first ascertains that the earlier document continues to be readily available in the active records of the Authority.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 33.3 (relating to incorporation by reference).

Cross References

This section cited in 52 Pa. Code § 1001.31 (relating to requirements for documentary filings); and 52 Pa. Code § 1005.41 (relating to answers to complaints, petitions, motions and other filings requiring a response).

§ 1001.34. Single pleading or submittal covering more than one matter.

(a) Except as otherwise provided under this chapter and Chapter 1005 (relating to formal proceedings), a single pleading may be accepted for filing with respect to a particular matter and one or more directly related matters and will be deemed to be a single filing for purposes of the computation of fees as provided in § 1001.43 (relating to Authority fee schedule).

(b) If, upon review, the Authority determines that the matters are not closely related or otherwise properly joined, the Authority will direct that the single pleading be refiled as two or more separate pleadings each subject to a separate filing fee.

(c) Subsection (a) supersedes 1 Pa. Code § 33.4 (relating to single pleading or submittal covering more than one matter).

Cross References

This section cited in 52 Pa. Code § 1005.21 (relating to petitions generally); 52 Pa. Code § 1005.41 (relating to answers to complaints, petitions, motions and other filings requiring a response); and 52 Pa. Code § 1017.42 (relating to prerequisites to inspection).

§ 1001.35. Execution.

(a) *Signature.* A pleading, submittal or other document shall be signed in permanent ink by the party in interest, or by the party's attorney, as required under subsection (b), and show the office and mailing address of the party or attorney. An original hard copy shall be signed, and other copies filed must conform thereto unless otherwise ordered by the Authority.

(b) *Signatory.*

(1) A pleading, submittal or other document filed with the Authority shall be signed by one of the following:

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(i) The person filing the documents, and severally if there is more than one person so filing.

(ii) An officer if it is a corporation, trust, association or other organized group.

(iii) An officer or employee thereof if it is another agency, a political subdivision or other governmental authority, agency or instrumentality.

(iv) An attorney having authority with respect thereto.

(2) A document filed by a corporation, trust, association or other organized group, may be required to be supplemented by appropriate evidence of the authority of the officer or attorney signing the documents.

(c) *Effect.*

(1) The signature of the individual signing a document filed with the Authority constitutes a certificate by the individual that:

(i) The individual has read the document being signed and filed, and knows the contents thereof.

(ii) The document has been signed and executed in the capacity specified upon the document with full power and authority to do so, if executed in a representative capacity.

(iii) The document is well grounded in fact and is warranted by existing law or a good faith argument for the extension, modification or reversal of existing law, to the best of the individual's knowledge, information and belief formed after reasonable inquiry.

(iv) The document is not interposed for an improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

(2) If a document is signed in violation of this subsection, the presiding officer or the Authority, upon motion or upon its own initiative, may impose upon the individual who signed it, a represented party, or both, an appropriate sanction, which may include striking the document, dismissal of the proceeding or the imposition of penalties consistent with this part and the act.

(d) *Supersession.* Subsections (a)—(c) supersede 1 Pa. Code § 33.11 (relating to execution).

Cross References

This section cited in 52 Pa. Code § 1005.21 (relating to petitions generally); and 52 Pa. Code § 1005.41 (relating to answers to complaints, petitions, motions and other filings requiring a response).

§ 1001.36. Verification and affidavit.

(a) *Verification required.* Applications, petitions, formal complaints, motions and answers thereto containing an averment or denial of fact not appearing of record in the action shall be personally verified by a party thereto or by an authorized officer or other authorized employee of the party if a corporation, partner-

ship, association or other business entity. Under subsections (b) and (c), verification may be made by using a verification or by using an affidavit.

(b) *Form verification.* When a verification is used, notarization is not necessary. The filing date for the verification will be determined in accordance with § 1001.11(a) (relating to date of filing). The docket number or other applicable assigned Authority identification number for the filing must be clearly indicated on the original verification. The verification must be in the following form:

VERIFICATION

I, _____, hereby state that the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and that I expect to be able to prove the same at a hearing held in this matter. I understand that the statements herein are made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).
Date: _____ Signature: _____

(c) *Affidavit form.* When an affidavit is used, it must be notarized. The original affidavit shall be submitted to the Authority and may be an attachment to a filing. The filing date for the affidavit will be determined in accordance with § 1001.11(a). The docket number or other applicable assigned Authority identification number for the filing must be clearly indicated on the original affidavit. The affidavit must be in the following form:

AFFIDAVIT

I, _____, (Affiant) being duly sworn (affirmed) according to law, depose and say that (I am authorized to make this affidavit on behalf of _____ corporation, being the holder of the office of _____ with that corporation, and that, I am an employee or agent of _____ and have been authorized to make this affidavit on its behalf and that) the facts above set forth are true and correct (or are true and correct to the best of my knowledge, information and belief) and (I or corporation) expect to be able to prove the same at any hearing hereof.

Signature _____

Sworn and subscribed before me this

_____ day of _____, 2 _____.

Signature of official administering oath)

My Authority Expires: _____

(d) *Certification process.* An applicant for a certificate shall include in the verification or affidavit the following statement:

Applicant is not now engaged in intrastate transportation of property or passengers for compensation in this Commonwealth except as authorized by the Pennsylvania Public Utility Commission certificate or permit or Philadelphia

Parking Authority certificate, and will not engage in the transportation for which approval is herein sought, unless and until the transportation is authorized by the Authority.

(e) *Criminal penalty.* An individual who executes a pleading, application, submittal or other document knowing that it contains a false statement and who causes it to be filed with the Authority shall be subject to prosecution for the commission of a misdemeanor of the second degree in violation of 18 Pa.C.S. § 4904(a) (relating to unsworn falsification to authorities).

(f) *Supersession.* Subsections (a)—(e) supersede 1 Pa. Code § 33.12 (relating to verification).

Cross References

This section cited in 52 Pa. Code § 1005.12 (relating to content of formal complaints); 52 Pa. Code § 1005.21 (relating to petitions generally); 52 Pa. Code § 1005.41 (relating to answers to complaints, petitions, motions and other filings requiring a response); 52 Pa. Code § 1005.231 (relating to reports of compliance); 52 Pa. Code § 1011.3 (relating to annual rights renewal process); 52 Pa. Code § 1019.3 (relating to dispatcher application); 52 Pa. Code § 1021.5 (relating to standards for obtaining a taxicab driver's certificate); 52 Pa. Code § 1027.6 (relating to application for sale of transferable rights); 52 Pa. Code § 1029.5 (relating to broker registration); 52 Pa. Code § 1051.3 (relating to annual rights renewal process); 52 Pa. Code § 1057.5 (relating to standards for obtaining a limousine driver's certificate); and 52 Pa. Code § 1059.5 (relating to applications for sale of transferable rights).

§ 1001.37. Number of copies to be filed.

(a) Except as may be otherwise provided by this part or ordered or requested by the Authority, at the time pleadings, submittals or documents other than correspondence are filed with the Clerk, or other Authority office, there shall be furnished to the Authority an original and two conformed copies of the papers, including exhibits, if any.

(b) Subsection (a) supersedes 1 Pa. Code § 33.15 (relating to number of copies).

§ 1001.38. Rejection of filings.

The Authority may reject a filing if it does not comply with any applicable statute, regulation or order of the Authority.

Subchapter E. FEES

- Sec.
1001.41. Filing fees.
1001.42. Mode of payment to the Authority.
1001.43. Authority fee schedule.

§ 1001.41. Filing fees.

(a) A pleading, submittal or other document for which a filing fee is required to be charged will be received, but will not be deemed to be filed, until the filing fee required by the act, this part or an order of the Authority has been paid.

(b) Subsection (a) supersedes 1 Pa. Code § 33.21 (relating to filing fees).

§ 1001.42. Mode of payment to the Authority.

(a) The Authority will accept payment for fees, penalties, assessments or other costs required under the act, this part or an order of the Authority by money order or cashiers' check made payable to the "Philadelphia Parking Authority" at TLD Headquarters, in person, by mail or by an authorized credit card in person only.

(b) Subsection (a) supersedes 1 Pa. Code § 33.22 (relating to mode of payment of fees).

Authority

The provisions of this § 1001.42 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1001.42 temporarily amended May 5, 2017, effective February 25, 2017, expire upon promulgation of final-form regulations or on November 5, 2018, whichever later, as set forth in 53 Pa.C.S. § 57B02(b), 47 Pa.B. 2558. Immediately preceding text appears at serial page (373984).

Cross References

This section cited in 52 Pa. Code § 1001.61 (relating to penalties); 52 Pa. Code § 1003.54 (relating to protests); 52 Pa. Code § 1005.13 (relating to citation complaints by the Authority); 52 Pa. Code § 1011.14 (relating to voluntary suspension of certificate); 52 Pa. Code § 1017.31 (relating to vehicle inspections by the Authority); 52 Pa. Code § 1017.85 (relating to fleet owner requirements); 52 Pa. Code § 1019.3 (relating to dispatcher application); 52 Pa. Code § 1019.7 (relating to name, colors and markings review); 52 Pa. Code § 1021.5 (relating to standards for obtaining a taxicab driver's certificate); 52 Pa. Code § 1021.7 (relating to taxicab driver training); 52 Pa. Code § 1027.6 (relating to application for sale of transferable rights); 52 Pa. Code § 1029.5 (relating to broker registration); 52 Pa. Code § 1051.13 (relating to voluntary suspension of certificate); 52 Pa. Code § 1055.11 (relating to scheduled compliance inspections); 52 Pa. Code § 1057.5 (relating to standards for obtaining a limousine driver's certificate); 52 Pa. Code § 1059.2 (relating to applications for limousine rights); and 52 Pa. Code § 1059.5 (relating to applications for sale of transferable rights).

§ 1001.43. Authority fee schedule.

(a) *Issuance.* The Authority will issue a new fee schedule for each fiscal year under section 5710(a) of the act (relating to fees).

(b) *Notice.* The Authority will provide general notice of the new fee schedule through publication in the *Pennsylvania Bulletin*. The Authority will provide direct notice of the fee schedule by email to each certificate holder within 5 days of its effective date. The current fee schedule may be obtained from the Authority's web site at www.philapark.org/tld.

(c) *Supersession.* Subsection (a) supersedes 1 Pa. Code §§ 33.21(b) and 33.23 (relating to filing fees; and copy fees).

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Ch. 1001 RULES OF ADMIN PRACTICE & PROCEDURE 52 § 1001.51

Source

The provisions of this § 1001.43 amended October 17, 2014, effective October 18, 2014, 44 Pa.B. 6665. Immediately preceding text appears at serial pages (360336) and (372877).

Cross References

This section cited in 52 Pa. Code § 1001.34 (relating to single pleading or submittal covering more than one matter); 52 Pa. Code § 1003.54 (relating to protests); 52 Pa. Code § 1005.13 (relating to citation complaints by the Authority); 52 Pa. Code § 1011.14 (relating to voluntary suspension of certificate); 52 Pa. Code § 1017.31 (relating to vehicle inspections by the Authority); 52 Pa. Code § 1017.83 (relating to procedure to place a stand-by vehicle into service); 52 Pa. Code § 1017.85 (relating to fleet owner requirements); 52 Pa. Code § 1019.3 (relating to dispatcher application); 52 Pa. Code § 1019.7 (relating to name, colors and markings review); 52 Pa. Code § 1021.5 (relating to standards for obtaining a taxicab driver's certificate); 52 Pa. Code § 1027.6 (relating to application for sale of transferable rights); 52 Pa. Code § 1029.5 (relating to broker registration); 52 Pa. Code § 1051.4 (relating to annual assessments and renewal fees); 52 Pa. Code § 1051.13 (relating to voluntary suspension of certificate); 52 Pa. Code § 1051.43 (relating to annual rights renewal fees); 52 Pa. Code § 1051.13 (relating to voluntary suspension of certificate); 52 Pa. Code § 1055.11 (relating to scheduled compliance inspections); 52 Pa. Code § 1059.2 (relating to applications for limousine rights); and 52 Pa. Code § 1059.5 (relating to applications for sale of transferable rights).

Subchapter F. SERVICE OF DOCUMENTS

Sec.

- 1001.51. Service by the Authority.
- 1001.52. Service by a party.
- 1001.53. Service on attorneys.
- 1001.54. Date of service.
- 1001.55. Proof of service.
- 1001.56. Form of certificate of service.
- 1001.57. Number of copies to be served.

Cross References

This subchapter cited in 52 Pa. Code § 1005.114 (relating to electronic testimony).

§ 1001.51. Service by the Authority.

(a) *Applicability.* This section applies to service of an order, notice, pleading or other document originating with the Authority and other documents designated by the Authority or a presiding officer, except when the Authority specifically requires a different form of service.

(b) *Forms of service.*

(1) *First class mail.* Service may be made by mailing a copy thereof to the person to be served, addressed to the person designated in the initial pleading, submittal or notice of appearance at the person's residence, principal office or place of business.

(2) *Personal.* Service may be made personally by Authority staff or anyone authorized by the Authority or a presiding officer.

(3) *Email.* Service may be made by email upon the following persons:

- (i) A certificate holder.
- (ii) A broker.
- (iii) A regulated person that has registered an email address with the Authority under subsection (c).

(iv) A person's attorney under § 1001.53(a) (relating to service on attorneys).

(v) A party to any Authority proceeding, including interveners and protestants for whom an email address is on file with the Clerk.

(vi) A party to any Authority proceeding in which a presiding officer orders notification of parties by telephone, telefacsimile or other electronic means when time periods are short and delivery by mail or other methods may not prove adequate. The presiding officer will confirm the alternative form of service in writing and a filing will be made with the Clerk regarding confirmation.

(c) *Voluntary email registration.* Any person may file an email address with the Clerk for purposes of receiving service under this part. By filing an email address with the Clerk the filing person agrees to receipt of service originating with the Authority under this section.

(d) *Change of address.* It is the duty of a party identified in subsection (b)(3) or (c), or both, to notify the Clerk within 48 hours of changes to the party's current address, including any email address on file with the Clerk.

(e) *Alternative service.* If the Authority is unable to serve a party by email or by mail at the party's last known address, the Authority may make service by publication in a newspaper of general circulation in the same area as the party's last known address. In the alternative, service may also be accomplished by publication in the *Pennsylvania Bulletin* or by service on the Secretary of the Commonwealth, if appropriate.

(f) *Supersession.* Subsections (a)—(e) supersede 1 Pa. Code § 33.31 (relating to service by the agency).

Cross References

This section cited in 52 Pa. Code § 1001.54 (relating to date of service); 52 Pa. Code § 1003.12 (relating to disposition of ex parte emergency orders); 52 Pa. Code § 1003.23 (relating to issuance of interim emergency orders); 52 Pa. Code § 1003.32 (relating out of service designation); 52 Pa. Code § 1005.11 (relating to formal complaints generally); 52 Pa. Code § 1005.64 (relating to withdrawal of pleadings in a contested proceeding); 52 Pa. Code § 1005.144 (relating to additional evidence); 52 Pa. Code § 1011.4 (relating to annual assessments and renewal fees); 52 Pa. Code § 1013.36 (relating to bid opening); 52 Pa. Code § 1021.5 (relating to standards for obtaining a taxicab driver's certificate); 52 Pa. Code § 1027.8 (relating to additional application requirements); 52 Pa. Code § 1051.10 (relating to additional application requirements); 52 Pa. Code § 1051.17 (relating to application review generally); and 52 Pa. Code § 1057.5 (relating to standards for obtaining a limousine driver's certificate).

§ 1001.52. Service by a party.

(a) Pleadings, submittals, briefs and other documents shall be served upon parties in the proceeding and upon the presiding officer, if one has been assigned.

(b) Service may be made by one of the following methods:

(1) *First class mail.* Service may be made by mailing the requisite number of copies to each party as provided in § 1001.57 (relating to number of copies to be served), properly addressed with postage prepaid.

(2) *Personal.* Service may be made personally by delivering the requisite number of copies to each party as provided in § 1001.57. Personal service may only be made by an individual 18 years of age or older.

(3) *Telefacsimile or email.* Service may be made by telefacsimile or email to those parties who have agreed to accept service in that manner. Documents served electronically need not be followed by service of a hard copy if the parties have so agreed. This section is not intended to limit service by email available under any other section in this part.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 33.32 (relating to service by a participant).

Cross References

This section cited in 52 Pa. Code § 1001.54 (relating to date of service); 52 Pa. Code § 1001.56 (relating to form of certificate of service); 52 Pa. Code § 1003.32 (relating to out of service designation); 52 Pa. Code § 1005.11 (relating to formal complaints generally); 52 Pa. Code § 1005.24 (relating to appeals from actions of the staff); 52 Pa. Code § 1005.35 (relating to notice, service and action on petitions to intervene); 52 Pa. Code § 1005.241 (relating to notice of taking appeal); and 52 Pa. Code § 1011.4 (relating to annual assessments and renewal fees).

§ 1001.53. Service on attorneys.

(a) When an attorney enters an appearance under § 1001.24 (relating to notice of appearance or withdrawal), service shall be directed to the attorney in the same manner as prescribed for the attorney's client. An attorney's entry of appearance must include an email address at which all communications and notices from the Authority or other parties to the attorney's client may be served.

(b) When a party is represented by an attorney, service upon the attorney shall be deemed service upon the party. Separate service on the party may be omitted.

(c) Subsections (a) and (b) supersede 1 Pa. Code §§ 31.26 and 33.33 (relating to service on attorneys; and effect of service upon an attorney).

Cross References

This section cited in 52 Pa. Code § 1001.51 (relating to service by the Authority).

§ 1001.54. Date of service.

(a) The date of service shall be the day when the document served meets one of the following conditions:

- (1) The document is deposited in the United States mail.
- (2) The document is deposited with an overnight express package delivery service.
- (3) The document is delivered in person.

(4) The document is transmitted by telefacsimile or email as provided in § 1001.51(b) or § 1001.52(b) (relating to service by the Authority; and service by a party) prior to 4:30 p.m. local prevailing time in the Eastern Time Zone (United States).

(b) Unless otherwise prescribed by the Authority or presiding officer, whenever a party is required or permitted to do an act within a prescribed period after service of a document upon the party and the document is served by first-class mail by the United States Postal Service, 3 days shall be added to the prescribed period.

(c) Subsection (a) supersedes 1 Pa. Code § 33.34 (relating to date of service).

Cross References

This section cited in 52 Pa. Code § 1005.211 (relating to exceptions to recommended decisions); and 52 Pa. Code § 1005.212 (relating to replies).

§ 1001.55. Proof of service.

(a) A certificate of service in the form prescribed under § 1001.56 (relating to form of certificate of service) must accompany and be attached to the original and all copies of pleadings, submittals or other documents filed with the Authority when service is required to be made by the parties.

(b) Subsection (a) supersedes 1 Pa. Code § 33.35 (relating to proof of service).

Cross References

This section cited in 52 Pa. Code § 1001.10 (relating to definitions).

§ 1001.56. Form of certificate of service.

(a) The form of certificate of service must be as follows:

I hereby certify that I have this day served a true copy of the foregoing document upon the parties, listed below, in accordance with the requirements of § 1001.52 (relating to service by a party).

(List names and addresses of parties served and manner in which each was served.)

Dated this _____ day of 2 _____ .

(Print Name)

Counsel for _____

(Signature)

(b) Subsection (a) supersedes 1 Pa. Code § 33.36 (relating to form of certificate of service).

Cross References

This section cited in 52 Pa. Code § 1001.10 (relating to definitions); and 52 Pa. Code § 1001.55 (relating to proof of service).

§ 1001.57. Number of copies to be served.

(a) One copy of a document shall be served on the presiding officer if one has been designated. The following number of copies of documents shall be served on other parties in a proceeding:

- (1) Briefs.
 - (i) Service of hard copies—two copies.
 - (ii) Service by telefacsimile or electronic mail, when permitted—one copy.
- (2) Other documents—one copy.

(b) Subsection (a) supersedes 1 Pa. Code § 33.37 (relating to number of copies).

Cross References

This section cited in 52 Pa. Code § 1001.52 (relating to service by a party); 52 Pa. Code § 1005.192 (relating to filing and service of briefs); and 52 Pa. Code § 1011.4 (relating to annual assessments and renewal fees).

Subchapter G. PENALTY

Sec.
1001.61. Penalties.

§ 1001.61. Penalties.

(a) *Monetary penalty range.* If a penalty has not been otherwise assigned to a violation of any provision of the act, this part or an order of the Authority, the penalty applicable to the violation may not be less than \$25 and not greater than \$1,000.

(b) *Additional penalties.* The penalty requested in a formal complaint initiated as provided in Chapter 1005 (relating to formal proceedings) may include one or more of the following:

- (1) A monetary penalty payable to the Authority.
- (2) A suspension of rights.
- (3) A modification of rights.
- (4) A cancellation of rights.

(c) *Reduced penalties.*

(1) The Authority will create a schedule of penalties that encourages a regulated person to correct a violation of a provision of the act, this part or an order of the Authority within 48 hours of the issuance of a formal complaint

for a reduction of the penalty being requested in the formal complaint. The schedule of reduced penalties will be posted on the Authority's web site at www.philapark.org/tld.

(2) To earn a reduced penalty, a regulated person shall do all of the following within 48 hours of the issuance of the formal complaint:

(i) Correct the violation and provide proof of the correction to the Enforcement Department.

(ii) Remit payment of the reduced penalty to the Clerk as provided in § 1001.42 (relating to mode of payment to the Authority).

Authority

The provisions of this § 1001.61 temporarily amended under 53 Pa.C.S. § 57B02.

Source

The provisions of this § 1001.61 temporarily amended May 5, 2017, effective February 25, 2017, expire upon promulgation of final-form regulations or on November 5, 2018, whichever is later, as set forth in 53 Pa.C.S. § 57B02(b), 47 Pa.B. 2558. Immediately preceding text appears at serial page (360341).

Cross References

This section cited in 52 Pa. Code § 1005.12 (relating to content of formal complaints); 52 Pa. Code § 1011.11 (relating to record retention); and 52 Pa. Code § 1051.10 (relating to record retention).

Subchapter H. MATTERS BEFORE OTHER TRIBUNALS

Sec.

1001.71. Notice and filing of copies of pleadings before other tribunals.

§ 1001.71. Notice and filing of copies of pleadings before other tribunals.

(a) When matters over which the Authority may have jurisdiction under the act are raised in proceedings filed with a court or other regulatory body by a person subject to the act, either an appropriate application or petition, or notice of the proceedings and copies of the material pleadings filed therein, shall be filed simultaneously with the Clerk so that it may have sufficient notice and time for proper consideration of the matters within its jurisdiction.

(b) Upon filing of a petition for bankruptcy under the United States Bankruptcy Code (11 U.S.C.) by a certificate holder or broker a copy of the petition shall be simultaneously filed with the Clerk.

(c) An entity subject to the regulatory jurisdiction of the Authority, or its trustee in bankruptcy, shall file a copy of the reorganization plan for itself or for its bankrupt parent, subsidiary or affiliate with the Clerk for Authority review within 10 days after the debtor has filed the plan, its supplements and amendments, or has received notice that the plan has been filed with the court.

(d) If the reorganization plan submitted under subsection (c) contemplates the abandonment of taxicab, limousine or dispatcher service, the submittal must include an SA-1 Application as provided in § 1027.6 or § 1059.5 (relating to application for sale of transferable rights), as appropriate. If a reorganization plan

of a certificate holder or broker includes the abandonment of the certificate or Authority issued right, the submittal must include specific notice to the Authority of the date of abandonment.

Cross References

This section cited in 52 Pa. Code § 1005.243 (relating to certification of interlocutory orders).

Subchapter I. AMENDMENTS OR WITHDRAWALS OF SUBMITTALS

Sec.

1001.81. Amendments.

1001.82. Withdrawal or termination of uncontested matter or proceeding.

§ 1001.81. Amendments.

(a) An amendment to a submittal or pleading may be tendered for filing at any time and will be deemed filed in accordance with § 1001.11 (relating to date of filing) unless the Authority or presiding officer otherwise orders.

(b) Subsections (a) supersedes 1 Pa. Code § 33.41 (relating to amendments).

§ 1001.82. Withdrawal or termination of uncontested matter or proceeding.

(a) *Notice of withdrawal or termination.* A party that desires to terminate a noncontested matter or proceeding before the final decision by the Authority or a presiding officer or otherwise desires to withdraw a submittal shall file a motion for leave to withdraw the appropriate document with the Clerk. The motion will be granted or denied as a matter of discretion.

(b) *Contested proceedings.* Withdrawal of a pleading in a contested proceeding is governed under § 1005.64 (relating to withdrawal of pleadings in a contested proceeding).

(c) *Supersession.* Subsections (a) and (b) supersede 1 Pa. Code § 33.42 (relating to withdrawal or termination).

Cross References

This section cited in 52 Pa. Code § 1005.64 (relating to withdrawal of pleadings in a contested proceeding).

Subchapter J. DOCKET

Sec.

1001.91. Docket.

§ 1001.91. Docket.

(a) The Clerk will maintain a docket of all proceedings, and each proceeding as initiated will be assigned an appropriate designation. The docket will be available for inspection and copying by the public during the Authority's office hours.

(b) Subsection (a) supersedes 1 Pa. Code § 33.51 (relating to docket).

Subchapter K. WAIVER OF RULES

Sec.

1001.101. Applications for waiver of formal requirements.

§ 1001.101. Applications for waiver of formal requirements.

(a) Pleadings, submittals or other documents which are subject to rejection under any provision of this chapter or Chapter 1003 or 1005 (relating to special provisions; and formal proceedings) may be accompanied by a request, under § 1005.23 (relating to petitions for issuance, amendment, repeal or waiver of Authority regulations) for waiver of any provisions with which the document tendered is in conflict or does not conform. The request must show the nature of the waiver or exception desired and set forth the reasons in support thereof. Unacceptable filings may be returned by the Clerk with an indication of the deficiencies thereof and the reasons for nonacceptance and return.

(b) Unless the Authority expressly so orders, the Clerk may not waive a failure to comply with the act, this part or an order of the Authority or another applicable requirement, and the failure may be cause for striking all or any part of the filings.

(c) Subsections (a) and (b) supersede 1 Pa. Code § 33.61 (relating to applications for waiver of formal requirements).

Subchapter L. UNOFFICIAL STATEMENTS, OPINIONS AND NOTICE

Sec.

1001.111. Unofficial statements and opinions by Authority personnel.

1001.112. Notice of rulemaking proceedings.

§ 1001.111. Unofficial statements and opinions by Authority personnel.

Statements contained in formal opinions of the Authority or in decisions of a presiding officer which are not necessary in resolving the case, and informal opinions, whether oral or written, expressed by Authority members, presiding officers, legal counsel, employees or representatives of the Authority and reports drafted by Authority departments are only considered as aids to the public, do not have the force and effect of law or legal determinations, and are not binding upon the Commonwealth or the Authority.

§ 1001.112. Notice of rulemaking proceedings.

(a) Before the adoption of a regulation, the Authority will publish a general notice as provided in 1 Pa. Code Chapter 7 (relating to procedure for adoption or change of regulations).

(b) The order or notice will recite the statutory or other authority under which the regulation is proposed to be adopted and include either the terms of the proposed regulation or a description of the subjects and issues involved to inform interested persons of the nature of the proceeding, to permit interested persons to submit comments relative thereto within the time period required by the act.

(c) The Authority may, upon petition by a person having an interest in the proposed regulation, hold public hearings on the proposed regulation. The petition for hearing must be in the form in § 1005.21 (relating to petitions generally), shall be filed concurrently with the comments and state the reasons for having a hearing and the person's interest in the proposed regulation.

(d) Subsections (a)—(c) supersede 1 Pa. Code § 35.104 (relating to notice of rulemaking proceedings).

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