

**[J-137-2008]**  
**IN THE SUPREME COURT OF PENNSYLVANIA**  
**EASTERN DISTRICT**

**CASTILLE, C.J., SAYLOR, EAKIN, BAER, TODD, McCAFFERY, GREENSPAN, JJ.**

RONALD BLOUNT, individually and as	:	No. 15 EAP 2008
President of the TAXI WORKERS'	:	
ALLIANCE OF PENNSYLVANIA, ARINK,	:	
Inc., RAINK, Inc., AUDREY CAB, Inc., t/a	:	
COUNTY CAB, SAWINK, Inc., DEE-DEE	:	Appeal from the Order of the
CAB, Inc., t/a PENN-DEL CAB, QUAKER	:	Commonwealth Court entered on March 9,
CITY CAB, Inc., GERMANTOWN CAB	:	2007, at 265 MD 2006
Co., and MICHAEL ETEMAD,	:	
	:	
Appellants	:	
	:	
	:	920 A.2d 215 (Pa. Commw. 2007)
v.	:	
	:	
	:	
PHILADELPHIA PARKING AUTHORITY,	:	ARGUED: October 20, 2008
	:	
Appellee	:	

**OPINION**

**MADAME JUSTICE GREENSPAN**

**DECIDED: February 20, 2009**

This appeal concerns a determination of whether the Commonwealth Court has original jurisdiction over a challenge brought by taxicab drivers and companies<sup>1</sup> against the Philadelphia Parking Authority (PPA). In an *en banc* opinion, the Commonwealth Court

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<sup>1</sup> Ronald Blount, individually and as president of the Taxi Workers' Alliance, Michael Etemad, a local business owner, and several corporations providing taxi and radio dispatch services (ARINK, Inc., RAINK, Inc., Audrey Cab, Inc., t/a County Cab, SAWINK, Inc., Dee-Dee Cab, Inc., t/a Penn-Del Cab, Quaker City Cab, Inc., Germantown Cab Co.) are Appellants herein.

broadly held that the PPA is a local rather than a Commonwealth agency for the purposes of jurisdiction and, therefore, it lacked original jurisdiction to hear a challenge to the PPA's regulations. Blount v. Phila. Parking Auth., 920 A.2d 215, 217 (Pa. Commw. 2007). The Commonwealth Court transferred the case to the Philadelphia County Court of Common Pleas. Id. For the following reasons, we reverse and remand the case to the Commonwealth Court for resolution on the merits.

## **Background**

In 1947, the General Assembly empowered certain political subdivisions to create parking authorities.<sup>2</sup> In 1950, the City of Philadelphia established its parking authority, the PPA, to manage off-street parking. 53 P.S. § 344. The PPA also assumed responsibility for on-street parking in 1983. At that time, and until 2001, parking authorities throughout the Commonwealth had similar organizational structures, powers, and duties, as outlined in the original Parking Authorities Law. 53 P.S. §§ 344-356. The law drew no distinctions between parking authorities in cities of the first class (Philadelphia) and those in other municipalities. 53 P.S. §§ 341-356. For example, each parking authority throughout the state was managed by its own Governing Board whose five members were appointed by the local mayor. 53 P.S. § 348. Parking authorities regulated only on and off-street parking. 53 P.S. § 345. They maintained independent budgets and issued bonds to raise capital. 53 P.S. § 345.

In 2001, the General Assembly re-codified and significantly amended the Parking Authorities Law.<sup>3</sup> The new law established different powers and organizational standards

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<sup>2</sup> Act of June 5, 1947, P.L. 458 (53 P.S. §§ 341-356). The 1947 Parking Authorities Law was superseded and re-codified in 2001.

<sup>3</sup> Act of June 19, 2001, P.L. 22 (53 Pa.C.S. §§ 5501-5517, 5701-5745).

for the PPA as compared to parking authorities of other municipalities.<sup>4</sup> For example, the PPA has a six-member Governing Board appointed by the Governor of Pennsylvania. 53 Pa.C.S. § 5508.1(c). In addition, the PPA assumed control of taxicab and limousine operations in and around Philadelphia. 53 Pa.C.S. § 5505(d)(23), (24). Previously, regulation of taxicabs and limousines in Philadelphia was a function of the Public Utilities Commission (PUC). Under the amendment, these services are now regulated by the PPA, whose power extends to persons or corporations providing these services between points in Philadelphia, from any point in Philadelphia to any point in the Commonwealth or outside, and from any point in the Commonwealth to any point in Philadelphia. 53 Pa.C.S. § 5714(c). The General Assembly supervises and controls in part the distribution of funds from the PPA's budget. 53 Pa.C.S. § 5707. Although the PPA underwent fundamental changes with the 2001 amendments, the parking authorities in other municipalities retained the same pre-amendment administrative structures and powers.

On June 27, 2005, pursuant to the 2001 Parking Authorities Law, the Governing Board of the PPA approved the Taxicab and Limousine Regulations (Regulations). Subsequently, the PPA issued citations to various taxi drivers and companies based on alleged violations of the Regulations. Appellants sought to challenge the Regulations and, in April 2006, they sued the PPA in the Commonwealth Court. Appellants alleged that the PPA improperly adopted and enforced its Regulations, thereby harming them. Appellants claimed that, as a Commonwealth agency, the PPA should have followed the procedure outlined in the Commonwealth Documents Law<sup>5</sup> when it adopted the Regulations.

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<sup>4</sup> 53 Pa.C.S. §§ 5505(d). The 2001 Parking Authorities Law refers to parking authorities of “cities of the first class.” Philadelphia is the only city of the first class in the Commonwealth. See Philadelphia Ent. & Dev. v. City of Philadelphia, 939 A.2d 290, 292 (Pa. 2007).

<sup>5</sup> 45 Pa.C.S. §§ 501-907.

Appellants sought declaratory and injunctive relief, as well as writs of mandamus and prohibition in a Petition for Review.

In June 2006, the PPA filed preliminary objections to Appellants' Petition for Review. Soon thereafter, Appellants requested a preliminary injunction to stop the enforcement of the Regulations. After a hearing, the Commonwealth Court denied the preliminary injunction, holding that Appellants had not satisfied the requirements for injunctive relief. Specifically, the court held that Appellants had not shown that they would be irreparably harmed if the PPA continued to enforce the Regulations. See Summit Towne Ctr., Inc. v. Shoe Show of Rocky Mt., Inc., 828 A.2d 995, 1001-1002 (Pa. 2003) (holding, *inter alia*, that a preliminary injunction will not issue if the party seeking it does not show that the injunction "is necessary to prevent immediate and irreparable harm that cannot be adequately compensated by damages"). The court also raised the issue of jurisdiction *sua sponte* and held it for briefing and consideration *en banc*. Finally, in March 2007, the Commonwealth Court held that it did not have original jurisdiction over the matter and transferred the case to the Philadelphia County Court of Common Pleas for resolution on the merits. On Appellants' motion, the Commonwealth Court certified its order for immediate appeal. Pa. R.A.P. 1311(b); 42 Pa.C.S. § 702(b).

This Court granted permission to appeal because the issue of whether the PPA is a Commonwealth agency as opposed to a local agency under these circumstances remains unresolved. See, e.g., City of Philadelphia v. Phila. Parking Auth., 798 A.2d 161 (Pa. 2002) (in a per curiam order, this Court remanded matter relating to the constitutionality of the 2001 Parking Authorities Law to the Commonwealth Court for decision on the merits within that court's original jurisdiction).<sup>6</sup> Pa. R.A.P. 1311(b); 42 Pa.C.S. § 702(b).

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<sup>6</sup> On remand, the City of Philadelphia joined the Governor of Pennsylvania as a defendant and the issue of jurisdiction became moot. 42 Pa.C.S. § 761(a)(1); see City of Philadelphia v. Schweiker, 817 A.2d 1217 n.1 (Pa. Commw. 2003).

## Discussion

When reviewing questions of subject matter jurisdiction, our standard and scope of review are well established:

Jurisdiction over the subject matter is conferred solely by the Constitution and laws of the Commonwealth. The test for whether a court has subject matter jurisdiction inquires into the competency of the court to determine controversies of the general class to which the case presented for consideration belongs. Thus, as a pure question of law, the standard of review in determining whether a court has subject matter jurisdiction is *de novo* and the scope of review is plenary. Whether a court has subject matter jurisdiction over an action is a fundamental issue of law which may be raised at any time in the course of the proceedings, including by a reviewing court *sua sponte*.

In re Administrative Order No. 1-MD-2003, Appeal of Troutman, 936 A.2d 1, 5 (Pa. 2007).

In Pennsylvania, the Commonwealth Court has original jurisdiction over civil actions against the Commonwealth government. 42 Pa.C.S. § 761(a)(1).<sup>7</sup> The Commonwealth government includes agencies of the Commonwealth but not “any political subdivision, municipal or other *local authority*.” 42 Pa.C.S. § 102 (emphasis added). Hence, we must determine whether or not the PPA is a “local authority” to decide whether original jurisdiction rests in the Commonwealth Court or in the Philadelphia County Court of Common Pleas.

According to the rules of statutory construction, a local authority is “a municipal authority or any other body corporate and politic created by one or more political subdivisions pursuant to statute.” 1 Pa.C.S. § 1991. Title 53, however, defines parking

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<sup>7</sup> Section 761 contains five exceptions to this general rule that are not applicable here. 42 Pa.C.S. § 761(a)(1).

authorities, including the PPA, as “public bod[ies] corporate and politic, exercising public powers of the Commonwealth as agenc[ies] of the Commonwealth.” 53 Pa.C.S. § 5505(a)(1).

In 1976, this Court answered a similar jurisdictional question in the context of the Housing Authorities Law. The Housing Authorities Law, 35 P.S. §§ 1541-1568.1, like the Parking Authorities Law, contained a provision deeming the authorities to be Commonwealth agencies. T & R Painting Co. v. Phila. Housing Auth., 353 A.2d 800, 801 (Pa. 1976) (T & R Painting). According to the statute, “[a Housing] Authority shall constitute a public body, corporate and politic, exercising public powers of the Commonwealth as an agency thereof.” 35 P.S. § 1550. This Court decided, however, that the language of Section 1550 was not dispositive because the Housing Authorities Law also contained numerous provisions that indicated that housing authorities were local agencies. T & R Painting, 353 A.2d at 802. According to the Court, because the statute contained contradictory language, it had to consider the General Assembly’s intent. Id.

This Court ultimately decided that the Philadelphia Housing Authority (PHA) was a local agency and that, as a result, the Commonwealth Court did not have original jurisdiction over the action. Id. at 802. The Court held that when the General Assembly granted the Commonwealth Court jurisdiction over actions against the Commonwealth but not local agencies, it provided “a judicial forum for the uniform and consistent resolution of questions of statewide impact.” Id. at 802. In dealing with litigation involving the PHA, the Commonwealth Court would not be faced with statewide issues but, rather, with local Philadelphia issues because the PHA is an agency controlled by local government that has a local mission. Id.<sup>8</sup>

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<sup>8</sup> The Court also said that

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In 2004, in James J. Gory Mech. Contracting, Inc. v. Phila. Housing Auth., 855 A.2d 669 (Pa. 2004) (Gory), this Court revisited the issue, reasserting the vigor of and further explaining the test adopted in T & R Painting. Gory, 855 A.2d at 677-78. In T & R Painting, this Court had held that “questions of statewide impact” should be resolved in the Commonwealth Court, because that court was “intended to provide a judicial forum for the uniform and consistent resolution of questions of statewide impact.” T & R Painting, 353 A.2d at 802. In Gory, the Court refined the test to say that “the pivotal factors to be looked at are whether the entity operates on a statewide basis and is predominantly controlled by the state.” Gory, 855 A.2d at 678. The Court applied the T & R Painting test and held again that the PHA was a local agency for the purpose of jurisdiction. The Court also held that an authority could have a different status “depending on the issue for which the

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To reach any other conclusion than that the authority is a local agency which may be sued in the local court of common pleas rather than in the Commonwealth Court would lead to the absurd and unreasonable result that a citizen would be required to pursue his remedy in Harrisburg even though the records were located in the community and the agency involved had been created by an individual city or county and the issues involved were matters strictly within the concern of a particular locality rather than a concern of the Commonwealth generally. The General Assembly, of course, could not have intended such a result.

T & R Painting Co. v. Phila. Housing Auth., 353 A.2d 800, 802 (Pa. 1976). The PPA, like the PHA, has some local functions, such as the management of on and off-street parking in Philadelphia, including issuance of parking tickets and collection of fines for parking violations. 53 Pa.C.S. § 5505(b), (d). Those purely local functions are not at issue in this case. Disputes arising out of these local operations are properly relegated to the original jurisdiction of the Philadelphia County Court of Common Pleas. See E-Z Parks, Inc. v. Larson, 498 A.2d 1364 (Pa. Commw. 1985), aff'd per curiam, 503 A.2d 931 (Pa. 1986) (holding that the PPA was a local agency for jurisdictional purposes in a dispute involving the PPA’s parking operations).

determination is being made.” Id. This Court considered different factors and the legislative intent behind the Judicial Code. Id. As in T & R Painting, the Court noted that the General Assembly intended the Commonwealth Court to serve as an original forum for issues of statewide concern that must be uniformly decided. Id. at 678. Thus, for jurisdictional purposes, “the pivotal factors... are whether the entity operates on a statewide basis and is controlled by the state.” Id.<sup>9</sup>

Applying the tests formulated in T & R Painting and Gory, we hold that the Commonwealth Court is the proper forum for the Appellants’ challenge to the Regulations adopted under Chapter 57 of Title 53.

The General Assembly deemed parking authorities, like housing authorities, to be agencies of the Commonwealth. 53 Pa.C.S. § 5505. According to the statute, “[t]he authority shall constitute a public body corporate and politic, exercising public powers of the Commonwealth as an agency of the Commonwealth.” 53 Pa.C.S. § 5505.<sup>10</sup> But, as in the Housing Authorities Law, the General Assembly also introduced language in the Parking Authority Law to indicate that parking authorities were local entities. 53 Pa.C.S. §§ 5504, 5509, 5514, 5516.<sup>11</sup> As a result, we must inquire into the General Assembly’s intent. T & R

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<sup>9</sup> On the other hand, for the purposes of determining immunity, the important factor was whether “the entity was created by the state to perform a state function so that a judgment against it would, in essence, injure the state.” Gory 855 A.2d at 677; see also Marshall v. Port Auth. of Allegheny Cnty., 568 A.2d 931, 934 (Pa. 1990) (holding that because the language in the enabling statute is clear the Port Authority of Allegheny County is a Commonwealth agency for the purposes of sovereign immunity).

<sup>10</sup> Compare 35 P.S. § 1550 (“[A Housing] Authority shall constitute a public body, corporate and politic, exercising public powers of the Commonwealth as an agency thereof”).

<sup>11</sup> The dissent discusses at length the language in the Parking Authority Law that indicates that the PPA is a local agency. Dissenting Op. at 7-12. That discussion suggests that the “local agency” language in the law is dispositive of the jurisdictional issue despite equally persuasive language to the contrary. See, e.g., 53 Pa.C.S. §5505. Respectfully, this approach does not coincide with Gory. In Gory, this Court looked at the language of the (continued...)

Painting, 353 A.2d at 802. See also Gory, 855 A.2d at 674-75. In addition, we must consider whether a court's decisions in PPA taxicab matters will have statewide import or whether the impact will be limited to Philadelphia only. Gory, 855 A.2d at 678. As this Court explained,

where the entity acts throughout the state and under the state's control, it is clearly meant to be a Commonwealth agency for jurisdictional purposes so that it may be sued in the Commonwealth Court. In contrast, where the entity operates within a single county or municipality and is governed in large part by that county or municipality, the entity must be characterized as a local agency and sued in the trial courts because the trial courts will be more familiar with the issues surrounding the entity's operations and organizational make-up.

Id. The salient factors in our analysis are whether the PPA operates statewide and whether it is controlled by the state. Id.

With regard to taxicabs, the PPA operates outside of Philadelphia and statewide. According to Chapter 57 of Title 53, taxicabs must obtain certificates of public convenience and medallions from the PPA if they operate:

(1) between points in the city of the first class for which its certificate is issued;

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Housing Authorities Law only to confirm that the language is ambiguous regarding the jurisdictional question. Gory, 855 A.2d at 677; Marshall, 568 A.2d at 934. Once it determined that the language was ambiguous, the Court analyzed whether the PHA was a local agency by looking at “whether the entity operates on a statewide basis and is controlled by the state” or not. Gory, 855 A.2d at 678 (considering facts that PHA has a governing body appointed by Philadelphia City Council and is operated within Philadelphia's boundaries only).

(2) from any point in the city of the first class for which its certificate is issued *to any point in this Commonwealth*;

(3) *from any point in this Commonwealth* to any point in the city of the first class for which its certificate is issued if the request for service for such transportation is received by call to its centralized dispatch system; and

(4) from any point in the city of the first class for which its certificate is issued *to any point outside this Commonwealth* as a continuous part of a trip.

53 Pa.C.S. § 5714(a), (c) (emphasis added).<sup>12</sup>

Moreover, the PPA shares the responsibility for regulating taxicab operations in the Commonwealth with the PUC. 53 Pa.C.S. § 5722. PUC-licensed taxicabs operate statewide. 66 Pa.C.S. § 2502(a)(1); 53 Pa.C.S. § 5714(d)(1). They may transport persons and property “from any point in a city of the first class to any point in this Commonwealth beyond that city of the first class if the request for service for such transportation is received by call to its radio dispatch service.” 53 Pa.C.S. § 5714(d)(1). Like PUC-licensed taxicabs, PPA-licensed taxicabs may also travel to other parts of the Commonwealth and to other states. 53 Pa.C.S. § 5714(c)(2)-(3). The PPA is responsible for the high volume Philadelphia area while the PUC is responsible for the remaining parts of the

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<sup>12</sup> The dissent points to the Southeastern Pennsylvania Transportation Authority (SEPTA) and argues that SEPTA also travels across county lines and that jurisdiction over actions against SEPTA has nonetheless traditionally rested in the Philadelphia Court of Common Pleas. Dissenting Op. at 5, 15. First, this is only one of three arguments supporting our holding that court decisions in PPA cases have a statewide impact. Second, the SEPTA-enabling statute is substantially different from the Parking Authority Law. See, e.g., 74 Pa.C.S. §§ 1752 (budget), 1711 (creation of SEPTA), 1712 (appointment of board members). Thus, although this Court has not spoken on the jurisdictional issue in SEPTA’s case, and we will not do so here because the issue is not before us, we nonetheless observe that SEPTA’s organizational and financial structure contains more indicators that it is a local agency than does PPA’s structure.

Commonwealth. 53 Pa.C.S. § 5505(d).<sup>13</sup> The two agencies' spheres of operation combine and overlap to create a system of ground transportation that is essential to the welfare of the Commonwealth "as a whole." 53 Pa.C.S. § 5701.1. The PPA and PUC together regulate the totality of Pennsylvania taxicabs and it is essential that the the two entities operate harmoniously.

We must also consider that the Commonwealth Court has jurisdiction over actions against the PUC arising out of its taxicab regulatory functions. 42 Pa.C.S. § 761(a)(1); 66 Pa.C.S. §§ 510, 2501-2509; and see United Parcel Serv. v. Pa. Pub. Util. Comm'n, 830 A.2d 941, 948 n.12 (Pa. 2003) (citing 66 Pa.C.S. § 510(d)). The General Assembly's delegation of Philadelphia area taxicab operations to the PPA was part of a plan to

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<sup>13</sup> The General Assembly recognized that:

Due to the size, total population, population density and volume of both tourism and commerce of a city of the first class, it may be more efficient to regulate the taxicab and limousine industries through *an agency of the Commonwealth with local focus* than an agency with diverse Statewide regulatory duties. Well-regulated local focus on improving those industries can be an important factor in the continual encouragement, development, attraction, stimulation, growth and expansion of business, industry, commerce and tourism *within a city of the first class, the surrounding counties and this Commonwealth as a whole.*

53 Pa.C.S. § 5701.1(3) (emphasis added). The dissent interprets the phrase "an agency of the Commonwealth with local focus" to mean local agency. Dissenting Op. at 12. According to the dissent, the shift to PPA of control over taxicabs in the Philadelphia area indicates the General Assembly's intent to depart from statewide control over taxicabs. Dissenting Op. at 15. This argument is unpersuasive, however, because the General Assembly, in giving control of taxicab regulations to the PPA, also transferred PPA control from local to state officials. Thus, a more likely explanation is that the General Assembly perceived a need to relieve PUC of its high volume Philadelphia taxicab-related duties and so it transferred these to an existing authority, the PPA. This intent may also be gleaned from the imperative that the PPA keep the taxicab, limousine, and parking budgets separate. 53 Pa.C.S. § 5707(b)-(c).

streamline the Commonwealth's ground transportation system. 53 Pa.C.S. §§ 5502, 5701.1. This plan for streamlining the system surely would be undermined if decisions relating to PUC-licensed taxicabs were made in the Commonwealth Court originally and those relating to PPA-licensed taxicabs were not.

Furthermore, the PPA is controlled by the Commonwealth. The Governing Board of the PPA is appointed by the Governor of Pennsylvania. 53 Pa.C.S. § 5508.1(e). The Governing Board manages "the properties and business" of the PPA without any local government oversight. 53 Pa.C.S. § 5508.1(o).

The General Assembly oversees the PPA's budget, both as it relates to general and taxicab operations. The general budget receives revenues from the PPA's on-street and off-street parking operations. 53 Pa.C.S. §§ 5510, 5505. With respect to the general budget, the PPA must conduct an annual audit and submit copies to the municipality as well as to the Commonwealth's executive and legislative branches. 53 Pa.C.S. § 5510.1(e). The statute also requires that the PPA dispose of its budget in specific ways: the first \$25 million goes to the City of Philadelphia and any excess goes to the general fund of Philadelphia's school district. 53 Pa.C.S. § 5508.1(Q.1)(2). In the words of Justice Saylor, "by obliging [the] PPA to channel substantial revenues to school funding, the General Assembly has directly employed [the] PPA as an instrumentality in furtherance of the Legislature's own constitutional obligation to provide for the maintenance and support of a thorough and efficient system of public education." City of Philadelphia v. PPA, 798 A.2d at 171 (Saylor, J., dissenting) (citing PA. CONST. Art. III § 14).<sup>14</sup>

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<sup>14</sup> Article III, Section 14, of the Pennsylvania Constitution states that: "The General Assembly shall provide for the maintenance and support of a thorough and efficient system of public education to serve the needs of the Commonwealth."

The PPA's separate Taxicab Regulatory Fund is overseen by the General Assembly and not by the City of Philadelphia's government. 53 Pa.C.S. § 5707. According to Section 5707, the General Assembly may reject the PPA's annual budgetary, fare and fee proposals that finance the Taxicab Regulatory Fund. 53 Pa.C.S. § 5707(b). Although the General Assembly is not authorized to negotiate budget changes or otherwise have stricter control, this inability arises only out of the PPA's status as an "independent" Commonwealth agency rather than its status as any type of local agency. 53 Pa.C.S. § 5505(d)(23) (the PPA is "to act as an independent administrative commission for the regulation of taxicabs and limousine service"). The PPA may use money from the Taxicab Regulatory Fund to cover the costs of regulating taxicabs and of other administrative expenses shared within the PPA. 53 Pa.C.S. § 5708(b)-(c). Finally, the General Assembly has the right to examine "the books, accounts and records of the authority at any time." 53 Pa.C.S. § 5707(d).

The PPA created by the 2001 amendments is an entity unlike any other in Pennsylvania. Commonwealth officials control not only its governing structure but also its funding. In addition, with respect to taxicab regulation, the PPA is an entity whose actions have statewide impact.<sup>15</sup> For these reasons, the Commonwealth Court is the proper original forum in which to bring challenges to the PPA's taxicab regulatory scheme. Gory, 855 A.2d at 678.

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<sup>15</sup> The dissent states "the PPA's extra-City taxicab and limousine jurisdiction involves vehicles shuttling suburbanites to and from the Philadelphia International Airport or transporting patients to and from hospitals or other medical facilities that lie within or just without the border of the City." Dissenting Op. at 15 (emphasis in original). First, we note respectfully that this assertion is outside the record before us. Second, even if we assume it is true, that does not change the fact that taxis and limousines regulated by the PPA are indeed authorized under the governing statutes to "[fan] out across the state to its far-flung boundaries," id., and may do so at will.

## **Conclusion**

We hold that the Philadelphia Parking Authority is a Commonwealth agency for the purposes of regulating taxicabs.<sup>16</sup> The Commonwealth Court has original jurisdiction over actions arising under the Taxicab and Limousine Chapter of the Pennsylvania Consolidated Statutes Title 53, 53 Pa.C.S. § 5701-5745, including the instant dispute. We therefore reverse and remand this action to the Commonwealth Court for further proceedings on the merits.

Order reversed.

Mr. Chief Justice Castille, Messrs. Justice Saylor and Eakin and Madame Justice Todd join the opinion.

Mr. Justice McCaffery files a dissenting opinion in which Mr. Baer joins.

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<sup>16</sup> As we emphasized in footnote 8, we need not decide whether the Commonwealth Court or the Philadelphia County Court of Common Pleas has original jurisdiction over actions arising out of the PPA's other functions. That issue is not before us.