

PENNSYLVANIA BULLETIN

Volume 51
Saturday, October 2, 2021 • Harrisburg, PA

Number 40

Part I

Pages 6245—6384

See Part II page 6347
for the Subject Index for
January—September 2021

Agencies in this issue

The General Assembly
The Courts
Department of Banking and Securities
Department of Community and Economic
Development
Department of Conservation and Natural
Resources
Department of Education
Department of Environmental Protection
Department of Health
Department of Revenue
Department of Transportation
Environmental Quality Board
Insurance Department
Pennsylvania Energy Development Authority
Pennsylvania Public Utility Commission
Philadelphia Parking Authority
State Employees' Retirement Board
Susquehanna River Basin Commission
Detailed list of contents appears inside.



Persons in need of accommodations as provided for in the Americans with Disabilities Act of 1990 should contact Allen Landis at alllandis@pa.gov or (717) 787-7389 or through the Pennsylvania Hamilton Relay Service at (800) 654-5984 (TDD users) or (800) 654-5988 (voice users) to discuss how the Department may accommodate their needs.

PATRICK McDONNELL,
Chairperson

[Pa.B. Doc. No. 21-1672. Filed for public inspection October 1, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Cancellation of Certificates of Public Convenience for Motor Carriers; Failure to Maintain Evidence of Insurance

Public Meeting held
September 15, 2021

Commissioners Present: Gladys Brown Dutrieuille, Chairperson; David W. Sweet, Vice Chairperson; John F. Coleman, Jr.; Ralph V. Yanora

*Cancellation of Certificates of Public Convenience for
Motor Carriers; Failure to Maintain Evidence of
Insurance; M-2021-3028299*

Tentative Order

By the Commission:

Pursuant to Section 512 of the Public Utility Code, 66 Pa.C.S. § 512, the Commission is authorized to prescribe appropriate insurance requirements for motor carriers. Section 512 provides, in relevant part:

The commission may, as to motor carriers, prescribe, by regulation or order, such requirements as it may deem necessary for the protection of persons or property of their patrons and the public, including the filing of surety bonds, the carrying of insurance, or the qualifications and conditions under which such carriers may act as self-insurers with respect to such matters. All motor carriers of passengers... shall cover each and every vehicle, transporting such passengers, with a public liability insurance policy or a surety bond issued by an insurance carrier, or a bonding company authorized to do business in this Commonwealth, in such amounts as the commission may prescribe. . . .

Consistent with this broad statutory charge, the Commission promulgated regulations governing motor carrier insurance requirements. 52 Pa. Code Chapter 32. Those regulations provide, inter alia, that a motor carrier may not operate, and a certificate of public convenience will not be issued or remain in force, until there has been filed with and approved by the Commission a certificate of insurance by an insurer authorized to do business in Pennsylvania for the payment of claims resulting from the operation, maintenance, or use of a motor vehicle in the carrier's authorized service. 52 Pa. Code §§ 32.11,

32.12. The certificate of insurance, commonly known as a Form E, is in a form prescribed and approved by the Commission and provides protection for bodily injury, death, or property damage. 52 Pa. Code § 32.2(a). Additionally, the Commission regulations require that certain carriers maintain evidence of cargo insurance via a certificate of insurance commonly known as a Form H. The Commission's regulations require that evidence of insurance be maintained at all times with the Commission to ensure the protection of the public:

(h) *Compliance.* Failure to maintain evidence of insurance on file with the Commission in accordance with this chapter shall cause the immediate suspension of the rights and privileges conferred by a certificate of public convenience or permit held by the motor carrier. The Commission may establish rules under which suspended rights and privileges may be temporarily reinstated pending compliance with this chapter.

52 Pa. Code § 32.2(h).

The Commission has been notified that the motor carriers listed in Appendix A, attached hereto, no longer have acceptable evidence of insurance on file with the Commission. The Commission sent all carriers a letter notifying them that their operating authority was suspended. Since the date of the suspensions, these motor carriers have failed to provide acceptable evidence of insurance, notwithstanding notification by the Commission of the suspension and the necessity to provide acceptable evidence of insurance.

Under these circumstances, we tentatively conclude that the motor carriers listed in Appendix A are not in compliance with the insurance requirements of 66 Pa.C.S. § 512 and our regulations at 52 Pa. Code Chapter 32. As such, it is appropriate to initiate the process to cancel their certificates of public convenience as being in the public interest; *Therefore,*

It Is Ordered That:

1. Cancellation of the Certificates of Public Convenience of each motor carrier listed in Appendix A is hereby tentatively approved as being in the public interest.

2. That the Law Bureau shall publish a copy of this Tentative Order in the *Pennsylvania Bulletin*.

3. To the extent they challenge cancellation of the Certificates of Public Convenience, all parties listed in Appendix A, must file comments within thirty (30) days after publication in the *Pennsylvania Bulletin*. To file comments, you must either efile them by opening and using an efile account through the Commission's website at www.puc.pa.gov. In the alternative, you may file comments by sending them by overnight delivery to the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120. Retain the tracking information as proof of submission. Filings made by fax or email are not acceptable and will be rejected.

4. Alternatively, acceptable evidence of insurance may be filed with the Commission on behalf of the motor carriers listed in Appendix A, within thirty (30) days after publication of this order in the *Pennsylvania Bulletin*.

Motor carriers listed in Appendix A who desire to continue operations should immediately contact their insurance agents to secure compliance with Commission insurance requirements. It is the motor carrier's responsi-

bility to ensure compliance. Motor carriers can verify their insurance status at our web site at <https://www.puc.pa.gov/search/utility-authority-search/>.

Additionally, motor carriers may call our insurance hotline at (717) 787-1227 for more information.

5. Absent the timely filing of comments challenging the cancellation of the Certificate of Public Convenience or the timely filing of acceptable evidence of insurance, the Bureau of Technical Utility Services shall prepare a Secretarial Letter for issuance by the Secretary's Bureau canceling the carrier's applicable Certificate of Public Convenience. The Secretarial Letter shall direct the Department of Transportation to suspend the carrier's vehicle registration(s) consistent with 75 Pa.C.S. § 1375.

6. Upon issuance of the Secretarial Letter described in Ordering Paragraph No. 5 above, the applicable Certificate of Public Convenience of each non-compliant carrier shall be cancelled.

7. The Secretary serve a copy of the Secretarial Letter upon the Commission's Bureau of Investigation and Enforcement, Bureau of Technical Utility Services, Bureau of Administration, the Department of Revenue—Bureau of Corporation Taxes and the Department of Transportation.

ROSEMARY CHIAVETTA,
Secretary

ORDER ADOPTED: September 15, 2021

ORDER ENTERED: September 15, 2021

Appendix A

Carriers without Acceptable Evidence of Insurance

<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authority</i>	<i>Insurance Type not on file</i>
6323802	PREMIER RIDER SERVICE, LLC	TNC (Transportation Network Company)	Liability
6416258	J W RICE CONSTRUCTION, INC.	Group and Party 16 or Greater	Liability
6416779	RAY ECKERT	Paratransit	Liability
641784	CONCORDE LIMOUSINE, INC.	Limousine	Liability
6418182	DEBORAH S CROUSE	Paratransit	Liability
6418984	POCONODAY TRIPPER, LLC	Group and Party 16 or Greater	Liability
6419297	ALMIR ROVCANIN	Limousine	Liability
6419799	DAMON W BELSER	Paratransit	Liability
6420886	HOPE CONNECT, LLC	Paratransit	Liability
6422618	IMMACULATE HOME HEALTHCARE AGENCY, LLC	Paratransit	Liability
6423081	DUNAWAY FAMILY VENTURES, LLC	Paratransit	Liability
700755	TAYLOR MARINE TRANSPORT, INC.	Truck/Paratransit	Liability
703846	JEFFREY A MARTIN	Truck	Liability
704366	HARTLAUB, PAUL FRANCIS	Truck	Liability
706813	GORMANS EXPRESS, INC.	Truck	Liability
708211	PAYTON, CLINTON	Truck	Liability/Cargo
8910621	RAY E KAPP	Truck	Liability
8911341	DAVIDS TRANSPORT, INC.	Truck	Liability/Cargo
8913588	SPRAGUE TRANSPORT, LLC	Truck	Cargo
8913784	ORNER & SONS TRUCKING, INC.	Truck	Liability
8915348	LOWE'S LOGISTICS, LLC	Truck	Liability/Cargo
8916204	SANDRA L WHISNER	Truck	Liability
8918247	C & C FEATHER TRUCKING, LLC	Truck	Liability/Cargo
8918583	HANSONS TRUCKING EXCAVATING, LLC	Truck	Liability
8918605	ALLISON HEAVY HAUL, LP	Truck	Liability
8918696	BLAIR AUTO SERVICE & POWER EQUIPMENT, INC.	Truck	Liability/Cargo
8919108	DAG SUPPLY COMPANY, LLC	Truck	Liability
8919717	FI TRANSPORT, INC.	Truck	Liability
8920046	TRUCKINGENDEVERS, LLC	Truck	Liability/Cargo
8920495	CARTELLINO SPECIALIZED TRANSPORT, INC.	TRUCK	Liability/Cargo
8920516	SEVERINO EXPRESS, LLC	Truck	Liability/Cargo

<i>Utility Code</i>	<i>Utility Name</i>	<i>Suspended Authority</i>	<i>Insurance Type not on file</i>
8920571	DAN MUTHLER TRUCKING, LLC	Truck	Liability/Cargo
8920824	CHAD WALTER TRANSPORT, LLC	Truck	Liability/Cargo
8921153	ALL MY SONS OF NEW JERSEY, LLC	Household Goods Carrier	Liability
8921313	GREAT EAGLE LOGISTICS, LLC	Truck	Liability/Cargo
8921750	HOLLY TRINITY LOGISTICS, LLC	Truck	Cargo
8921924	MEGMAR CONTRACTING, LLC	Truck	Liability/Cargo
8921976	MICHAUX'S TRUCKING, LLC	Truck	Liability/Cargo
8922097	HOSSLER CONSTRUCTION, LLC	Truck	Liability
8922122	R + R VENDORS, INC	Truck	Liability
8922206	HILLBILLY LOGISTICS, LLC	Truck	Liability
8922309	J DIVELY AUTO TRANSPORT, LLC	Truck	Liability/Cargo
8922463	WL TRANSPORT, LLC	Truck	Cargo
8922527	SETH BOWKER TRUCKING, LLC	Truck	Liability/Cargo
8922813	Sebastian Moving Philadelphia, LLC	Household Goods Carrier	Liability/Cargo
8922848	HART EXPRESS, LLC	Truck	Liability/Cargo
8922995	VICTOR Z BODNAR	Truck	Liability
8923160	MANIGAULT MOVEMENT, LLC	Truck	Liability/Cargo
8923811	WARD LOGGING, LLC	Truck	Liability/Cargo
8923886	TOP NOTCH TRANSPORTS, LLC	Truck	Liability/Cargo
8924075	KHAN CONSTRUCTION, LLC	Truck	Liability
8924119	WE'LL GET IT THERE, LLC	Truck	Liability/Cargo
8924287	T&R TOWING, LLC	Truck	Liability/Cargo
899673	TAT Trucking and Contracting, Inc.	Truck	Liability

[Pa.B. Doc. No. 21-1673. Filed for public inspection October 1, 2021, 9:00 a.m.]

PENNSYLVANIA PUBLIC UTILITY COMMISSION

Service of Notice of Motor Carrier Applications

The following temporary authority and/or permanent authority applications for the right to render service as a common carrier or contract carrier in this Commonwealth have been filed with the Pennsylvania Public Utility Commission (Commission). Formal protests, petitions to intervene and answers must be filed in accordance with 52 Pa. Code (relating to public utilities) on or before October 18, 2021. Filings must be made electronically through eFiling to the Secretary of the Pennsylvania Public Utility Commission, 400 North Street, Harrisburg, PA 17120, with a copy served on the applicant by October 18, 2021. Individuals can sign up for a free eFiling account with the Secretary of the Commission through the Commission's eFiling system at <https://www.puc.pa.gov/efiling/Default.aspx>. A protest shall indicate whether it applies to the temporary authority application, the permanent authority application, or both. Protests may only be filed if there is evidence that the applicant lacks fitness. Protests based on endangering or impairing operations of an existing carrier will not be honored. The documents filed in support of the application are only available for inspection through the Commission's web site at www.puc.pa.gov by searching under the previously listed docket number or by searching the applicant's web site.

Applications of the following for approval to begin operating as common carriers for transportation of persons as described under each application.

A-2021-3028468. Mumtaz, Inc., t/a Regal Transportation, Co., Inc. (11 Dogwood Court, Yardley, Bucks County, PA 19067) in limousine service, from points in Bucks County, to points in Pennsylvania, and return; excluding areas under the jurisdiction of the Philadelphia Parking Authority.

A-2021-3028473. Constable Transport Service, LLC (4340 Winfield Terrace, Bethlehem, Northampton County, PA 18045) persons in paratransit service, from points in Bethlehem Township, Northampton County, and within an airline distance of 90 statutory miles of the municipality, to points in Pennsylvania and return. *Attorney:* Christina M. Mellott, 5010 East Trindle Road, Suite 202, Mechanicsburg, PA 17050.

Application of the following for the approval of the right and privilege to discontinue/abandon operating as common carriers by motor vehicle and for cancellation of the certificate of public convenience as described under the application.

A-2021-3028580. Oriental Care, LLC (4801 Derry Street, Suite 204, Harrisburg, Dauphin County, PA 17111) discontinuance of service and cancellation of its certificate to transport, in paratransit service, limited to nonemergency medical service provided for the Pennsyl-