



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING
400 NORTH STREET
HARRISBURG, PENNSYLVANIA 17120
<http://www.puc.pa.gov>

May 23, 2023

A-8925552
A-2022-3036486

KAREN O MOURY ESQUIRE
ECKERT SEAMANS CHERIN & MELLOTT LLC
213 MARKET STREET FIFTH FLOOR
HARRISBURG PA 17101

RE: Application of Kelvin D Ferguson & Sons LLC

To Whom It May Concern:

On May 18, 2023, the Petition for Reconsideration from Staff Action filed by Kelvin D Ferguson & Sons LLC, at A-2022-3036486, was granted. In order for the Commission to proceed with the application, additional information is required.

Please forward the information to the Secretary of the Commission at the following address **within ten (10) working days** from the date of this letter.

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania 17120

ALL Parties to proceedings pending before the Commission must open and use an e-filing account through the Commission's website, OR you may submit your filing by overnight delivery. If a filing contains confidential or proprietary material, the filing is required to be submitted by overnight delivery.

Your answers should be verified per 52 Pa Code § 1.36. Accordingly, you must provide the following statement with your responses:

I, _____, hereby state that the facts above set forth 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).

The blank should be filled in with the name of the appropriate company representative, and the signature of that representative should follow the statement.

Failure to comply with this request within 10 working days from the date of this letter will result in the denial of the application.

Please direct any questions to David Canzoneri, Bureau of Technical Utility Services at (717) 346-9738. Faxed or emailed filings are **not** accepted.

Sincerely,

A handwritten signature in cursive script, appearing to read "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary

Enclosure

Request for Information

In accordance with the Opinion and Order at Docket No. A-2022-3036486, the above case has been referred back to Technical Utility Services to seek further documentation and evidence from the applicant to review and make an informed determination on the issue of whether or not the applicant satisfies the requirements of 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-1-).

The Opinion and Order raised the issue that the Petitioner's prior work experience is unclear, given the inconsistencies in the Petition, and those given in the Verified Statement of Applicant of the Revised MCC Application. In the case of *Lytle Property LLC*, the Commission determined that an applicant could not satisfy the requirements of 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-1-), if the experience comprised solely of uncertificated service. While obtaining Commission authority may not have been the responsibility of the applicant while working for his father, it still does not mean that we can, or should, overlook the fact that the only experience provided consisted entirely of uncertificated service. However, the applicant does claim (in Revised MCC Application) that "all services performed by" the Applicant "do not appear to be in violation of the prohibition against the provision of services without first having obtained a certificate of public convenience that could be found to be improper." As such, the Commission is affording the applicant the opportunity to provide any additional evidence that they believe meets the Commission's regulations for experience as required by 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-1-).

In addition to the above, the Opinion and Order asks the applicant for additional information to the following questions:

- Please explain how the applicant will maintain and/or facilitate its records retention and communication network.
- Please provide a description of the applicant's physical location.
- Please provide the applicant's proposed program for training drivers.
- Please provide the applicant's proposed system for conducting driver license checks.