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June 5, 2023

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**Via Electronic Filing**

Rosemary Chiavetta, Secretary  
Pa. Public Utility Commission  
400 North Street  
Harrisburg, PA 17120

RE: Application of Kelvin D. Ferguson & Sons LLC, t/a Kelvin D. Ferguson & Sons  
For Household Goods In Use Authority  
Docket No. A-2022-3036486

Dear Secretary Chiavetta:

On behalf of Kelvin D. Ferguson & Sons LLC, t/a Kelvin D. Ferguson & Sons, enclosed for electronic filing please find the Responses to Data Requests of the Bureau of Technical Utility Services. If you need anything further, please let me know. Thank you for your attention to this matter.

Sincerely,

*/s/ Karen O. Moury*

Karen O. Moury

Enclosure

**Responses of Kelvin D Ferguson & Sons LLC  
To Data Requests of the Bureau of Technical Utility Services  
Docket No. A-2022-3036486  
June 5, 2023**

Request No. 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-).

Response No. 1:

The owner of the Applicant, Djuan Ferguson ("Mr. Ferguson"), obtained experience in the household goods moving industry by working for his father's company or the predecessor company for nearly 15 years from 2004 to 2019. While the predecessor company did not have a certificate of public convenience issued by the Commission, Mr. Ferguson's duties during much of that time did not include the transportation of household goods.

From 2004 to 2014, Mr. Ferguson's duties were limited to performing moving labor services for his father's company. Between 2016 and 2019, he occasionally operated the vehicle due to his father or the other regular drivers being unavailable. Even during that time, however, he largely performed only moving labor services, which included packing and unpacking customers' household goods and loading and unloading them onto trucks as part of a household goods moving business operated by his father. Mr. Ferguson began transporting household goods on a regular basis after his father's death in 2019 when he took over the operation of the company.

Therefore, the Applicant was not engaged in uncertificated service while obtaining experience with the predecessor company from 2004 to 2014. Since Mr. Ferguson's duties during that time did not include the transportation of household goods, it is the Applicant's position that this experience meets the requirement in the Commission's regulations for the equivalent of two years of experience in the household goods moving industry.

Request No. 2:

Please explain how the applicant will maintain and/or facilitate its records retention and communication network.

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June 5, 2023**

Response No. 2:

*Records Retention*

The Applicant will ensure that its record retention policies comply with the Commission's regulations. To facilitate such compliance, the Applicant will maintain all physical records in a secure location in the owner's home office, which will be available for inspection by the Commission's enforcement officers.

These records will include a current list of equipment owned and leased which is used in the household goods in use for-hire, containing the following information: (i) year; (ii) make; (iii) model; (iv) manufacturer's serial number; (v) state and license number; and (vi) name and address of the owner-lessor.

In addition, the Applicant will maintain either electronic or written records, for inspection by Commission representatives, which are associated with each transaction involving the transportation of household goods, including: (i) name and address of individual or company that engages the Applicant; (ii) a description of the services provided, including the number of miles; (iii) invoice provided to customer; and (iv) copy of payment from customer.

Finally, the Applicant will electronically maintain and make available to authorized Commission representatives information regarding: (i) the annual inspection of vehicles; (ii) a list of drivers, along with documentation of their license numbers, the results of background checks and driving history checks, and any complaints submitted by customers, including the resolutions; (iii) reports of accidents involving the Applicant's vehicles or drivers, including the extent of property damage or personal injury; and (iv) evidence of insurance.

*Communications Network*

As to maintaining a communication network, the Applicant plans to launch the business on social media, including Facebook and Twitter, to provide the public with information on how to contact the Applicant to arrange for the transportation of household goods. The Applicant will also develop a website for the same purpose. The Applicant will also distribute business cards through a variety of means throughout the community to make the public aware of the business being available. Members of the public will be able to hire the Applicant either by telephone or electronic mail. The Applicant will utilize mobile phones for communications among drivers and other employees. This network will enable the Applicant to respond to any questions raised by customers regarding the time arrival of the driver to their home or business.

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June 5, 2023**

Request No. 3

Please provide a description of the applicant's physical location.

Response No. 3:

The Applicant stores the vehicles at two physical facilities in a portion of the secure garages at 100 Hafner Avenue in Pittsburgh, PA 15223, and 24 Furnace Street Extension in McKees Rocks, PA 15136, which are pictured below. The Applicant's vehicles are stored overnight in gated areas of these locations.

*100 Hafner Avenue, Pittsburgh*



*24 Furnace Street Extension, McKees Rocks*



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June 5, 2023**

Request No. 4:

Please provide the applicant's proposed program for training drivers.

Response No. 4:

The Applicant will require all drivers to complete a training program that includes information regarding Pennsylvania's traffic laws, the Commission's applicable regulations, safe driving practices, customer service, and daily vehicle inspection. The drivers will be required to pass an examination at the conclusion of the program. As laws and technology continue to evolve that impact the household goods moving industry, the Applicant will conduct follow-up training to ensure that drivers are in compliance with all requirements.

Request No. 5:

Please provide the applicant's proposed system for conducting driver license checks.

Response No. 5:

The Applicant proposes to maintain either written or electronic records of all drivers' licenses, and to impose a requirement on drivers to inform the Applicant of any suspensions of those licenses. In addition, the Applicant plans to review these licenses on an annual basis by using a tickler system on a calendar that shows when each license expires and reaching out to drivers 30 days prior to the expiration date to request updated documentation at least one day before the license expires.

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**VERIFICATION**

I, Djuan Ferguson, 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).

Dated: June 5, 2023

*/s/ Djuan Ferguson*  
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Djuan Ferguson  
Owner, Kelvin D Ferguson & Sons LLC