



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

June 8, 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, for Household Good in Use authority, 100 Hafner Avenue, Pittsburgh, Allegheny County, Pennsylvania 15223. (412) 403-3173

To whom it may concern:

The purpose of this Letter is to advise you that your application for Household Goods in Use authority at Docket No. A-2022-3036486 has been **DENIED** by the Pennsylvania Public Utility Commission (Commission). The Commission has determined that a Certificate of Public Convenience shall not be granted for the following reason(s):

- **Failure to Demonstrate the Required Fitness.** Under 52 Pa. Code §3.381(c)(1)(iii)(A)(II)(-1-) you are required to demonstrate that you, the applicant(s), have the required knowledge, fitness, and financial ability to operate as a certificated motor carrier in the Commonwealth of Pennsylvania. Commission regulations require that the applicant provide evidence of a minimum of two-years' experience with a licensed household goods carrier or the equivalent. In accordance with the Opinion and Order, the applicant was afforded the opportunity to provide additional evidence that they believed to meet the Commission's regulations for experience. In that response, the applicant contends that he gained the required experience while performing mostly moving labor services for his father's uncertificated household goods company. 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. In that same vein, if we are to consider the experience that the applicant of *Lytle Property LLC* as tainted due to it being derived from solely uncertificated service, we must also view any experience that Mr. Ferguson gained from working for an uncertificated carrier as tainted as well. As such, the applicant failed to provide adequate evidence that shows they have the required two years of experience working with a licensed household goods carrier, or the equivalent.

For this reason(s), the application is **DENIED** and **DISMISSED**.

APPEAL RIGHTS

If you disagree with this determination, you may send a Petition for Reconsideration from Staff Action (Petition) to: Secretary, PA Public Utility Commission, 400 North Street, Harrisburg, PA 17120. Such a Petition is a written statement asking the Commission to change its determination.

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.

The Petition must be filed with the Commission within twenty (20) days of the date of this letter. If no timely request for reconsideration is made, this action will be deemed to be the final action of the Commission.

The Petition **MUST** include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request, (2) the case docket number(s) (they are provided for you at the top right-hand corner of this letter), (3) the name of the person on whose behalf the petition is made, (4) copies of relevant documentation, and (5) a verification with original signature. *See* 52 Pa. Code §§1.31 and 5.44. Below is a sample Verification:

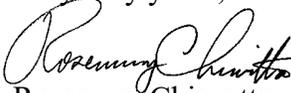
VERIFICATION

I, (YOUR NAME GOES HERE), 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).

(SIGN AND DATE)

If you believe that you have received this letter in error, please contact the Compliance Office of the Motor Carrier Services in the Bureau of Technical Utility Services at 717-787-3834 within ten (10) days of the date of this letter.

Very truly yours,


Rosemary Chiavetta
Secretary