



Eckert Seamans Cherin & Mellott, LLC
213 Market St., 8th Floor
Harrisburg, PA 17101

TEL: 717 237 6000
FAX: 717 237 6019

June 28, 2023

Karen O. Moury
717.237.6036
kmoury@eckertseamans.com

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 Petition for Reconsideration of Staff Action. 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

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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

**PETITION FOR RECONSIDERATION
OF STAFF ACTION**

Pursuant to Section 5.44 of the regulations of the Pennsylvania Public Utility Commission (“Commission”),¹ Kelvin D. Ferguson & Sons LLC t/a Kelvin D. Ferguson & Sons (“Ferguson LLC” or “Applicant”) files this Petition for Reconsideration of the Secretarial Letter dated June 8, 2023 denying Ferguson & Sons’ Application for Household Goods in Use Authority (“Application”). In support of this Petition, Ferguson LLC avers as follows.

I. INTRODUCTION

By Secretarial Letter dated June 8, 2023, the Commission denied the Application on the grounds that Ferguson LLC did not provide adequate evidence showing the experience of the Applicant working for two years with a licensed household goods mover, or the equivalent under 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-1-). Ferguson LLC respectfully requests that the Commission reconsider staff’s determination and conclude that the evidence of the experience of its owner, Mr. Djuan Ferguson, working in the household goods moving industry for nearly 15 years for an unlicensed moving company meets the requirement of having equivalent experience of working for two years with a licensed household goods mover. Alternatively, during 10 years of this 15-year period, Djuan Ferguson’s experience was limited to performing moving labor services and did not

¹ 52 Pa. Code § 5.44.

involve transportation services. The valuable experience that the Applicant obtained while exclusively providing moving labor services over the course of this 10-year period was the same as if these services had been provided for a licensed household goods mover. As such, this experience should be viewed as the “equivalent” of two years of working with a licensed household goods mover, thereby demonstrating Applicant’s fitness, and the moving labor services Mr. Ferguson provided for 10 years should not be discredited based on mere association with an unlicensed entity at the time.

Under prior Commission decisions, it is well-settled that the only situation in which an applicant may not rely on prior experience with an unlicensed mover to meet the equivalent standard is when the applicant’s only experience was with its own unauthorized operations. That is not the case here. The Applicant’s experience in the household goods moving industry was gained through his employment by his father’s company. As Applicant did *not operate this business*, his experience should not be discounted. Moreover, to preclude Ferguson LLC from now obtaining Commission authority to provide these services, based on actions of a separate company, would unfairly deny Ferguson LLC the ability to earn a living doing what he has gathered the experience to do his entire working life. Fundamental fairness demands a just outcome – that Mr. Ferguson’s 15 years in the industry be afforded the weight it deserves, which shows the Applicant’s fitness to provide household goods moving services in Pennsylvania.²

The Commission has previously permitted applicants to rely on prior experience working for unlicensed movers, noting that it examines applications for authority on the merits of the individual application. Even when an applicant has only been employed by unlicensed movers, the Commission has evaluated the information on a case by case basis to determine whether the work

² See the Applicant’s June 5, 2023 responses to Staff’s data requests regarding detailed plans on record retention, communications network, physical location, training, and employee driver license checks which show Mr. Ferguson’s propensity to operate Ferguson LLC in compliance with the Commission’s rules and regulations.

experience meets the equivalent standard. Further, when an applicant has shown that the prior experience with an unlicensed carrier involved only the provision of *moving labor services* and not the transportation of household goods in use – as did the Applicant’s experience for 10 of the 15 years he worked for an unlicensed mover, the Commission has found that it demonstrates equivalent experience.

If the Commission does not view this situation as in the same vein as prior decisions, in which experience with unlicensed movers or experience involving only moving labor services were found to support grants of authority, Ferguson LLC respectfully requests that the Commission exercise its discretion to establish an alternative method for an entity to meet the “equivalent” experience standard. To the extent necessary, regulatory flexibility is warranted under the unique circumstances presented here and in light of the tough economic times facing so many Pennsylvanians today.³

II. BACKGROUND

1. The Applicant’s predecessor started operating a household goods moving company in the City of Pittsburgh as Kelvin D. Ferguson & Sons (“Ferguson & Sons”) in approximately 2004-2005. At that time and until 2019, the business was run by Mr. Kelvin D. Ferguson, who was the father of Ferguson LLC’s current owner, Mr. Djuan Ferguson. When Kelvin D. Ferguson passed away in 2019, Djuan Ferguson took over the operation of the business. Djuan Ferguson registered the business with the Pennsylvania Department of State on January 13, 2020. On February 28, 2023, he changed the entity’s name from Kelvin D. Ferguson & Sons to Kelvin D. Ferguson & Sons LLC.⁴

³ <https://www.richstatespoorstates.org/states/PA/>

⁴ <https://file.dos.pa.gov/search/business>

2. When Ferguson LLC commenced running the business in 2019, Djuan Ferguson was unaware of any legal requirement to obtain Commission authority for the portion of the company's services that entailed moving household goods in use. He became aware of this requirement when he was contacted by Commission staff on September 13, 2022 by electronic mail. Since that time, Ferguson LLC has closed the business, taken down the company's website and filed an application with the Commission for the requisite authority.

3. Ferguson LLC filed an Application on November 1, 2022. By Secretarial Letter dated March 9, 2023, the Application was denied on the basis that the Applicant had not demonstrated that his experience in the households moving industry met the requirements of the Commission's regulations. The reason given was that the only experience the Applicant had provided to meet this standard was obtained by operating illegally.

4. Ferguson LLC filed a Petition for Reconsideration of Staff Action on March 29, 2023. Through the March 29, 2023 Petition, Ferguson LLC explained that Djuan Ferguson had obtained extensive experience over the course of nearly 15 years while his father operated the household goods moving business before his death in 2019.

5. By Order entered on May 18, 2023, the Commission granted the Petition and rescinded the May 9, 2023 Secretarial Letter. In granting the Petition, the Commission found an ambiguity in the Applicant's explanation of prior work history experience and referred the matter to the Bureau of Technical Utility Services ("TUS") for further review. Additionally, the Commission raised *sua sponte* other requirements in the regulations relating to operational fitness of the Applicant.

6. By Secretarial Letter dated May 23, 2023, the Commission served data requests of TUS on the Applicant. The data requests sought additional information about the nature of the experience the Applicant had obtained while employed by Ferguson & Sons. In addition, the data requests asked for information as to how the applicant will maintain and/or facilitate its records

retention and communication network; a description of the applicant’s physical location; the applicant’s proposed program for training drivers; and the applicant’s proposed system for conducting driver license checks.

7. On June 5, 2023, Ferguson LLC filed comprehensive responses to the data requests, which are attached as Appendix A. As shown in the responses, Djuan Ferguson, the owner of Ferguson LLC, worked for his father’s unlicensed moving company for approximately 15 years. Of note, during 10 years of that 15-year period, Mr. Djuan Ferguson only provided labor moving services – not transportation services.

8. By Secretarial Letter dated June 8, 2023, the Commission denied the Application – again for failure to demonstrate the required fitness due to all of Mr. Djuan Ferguson’s prior experience being with an unlicensed mover. The Secretarial Letter provided that the Applicant could file a Petition for Reconsideration of Staff Action asking the Commission to change its determination.

9. By this Petition for Reconsideration of Staff Action, Ferguson LLC respectfully requests that the Commission rescind the June 8, 2023 Secretarial Letter and grant the Application.

III. APPLICABLE LEGAL STANDARDS

10. Section 5.44 of the Commission’s regulations authorize the filing of petitions for reconsideration from actions of Staff taken under authority delegated by the Commission.⁵ Such petitions must be filed within 20 days or the Staff action will be deemed to be the final action of the Commission. As the Secretarial Letter notifying Ferguson LLC of the denial of its application was issued on June 8, 2023, this Petition for Reconsideration of Staff Action is timely filed.

11. Requests for reconsideration, under the provisions of 66 Pa. C.S. § 703(g), may properly raise any matters designed to convince the Commission that it should exercise its

⁵ 52 Pa. Code § 5.44.

discretion under the Public Utility Code to rescind or amend a prior order in whole or in part. *Duick v. Pennsylvania Gas and Water Co.*, Docket No. C-R0597001 *et al.*, 56 Pa. P.U.C. 553 (1982).

What the Commission expects in petitions for reconsideration are new and novel arguments not previously heard, or considerations which appear to have been overlooked by the Commission.

Additionally, a Petition for Reconsideration is properly before the Commission where it pleads newly discovered evidence, alleges errors of law, or a change in circumstances. *Id.*

IV. RECONSIDERATION IS WARRANTED

12. Section 3.381 of the Commission’s regulations establishes the procedures for filing an application for the transportation of household goods in use.⁶ Under Section 3.381(c)(1)(iii)(A) of the regulations, such application may be processed on the basis of a verified statement. The information that must be included in a verified statement is identified in Section 3.381(c)(1)(iii)(A)(II). Among that information at (-I-) is a statement that the applicant has a minimum of 2 years of experience with a licensed household goods carrier or the equivalent.

13. The Commission’s regulations do not define what is the “the equivalent” of a minimum of 2 years of experience with a licensed household goods carrier. However, in proposing the regulations, the Commission stated as follows:

Household goods applicants will be required to establish that they have the technical and financial ability to provide the proposed service safely and legally. Toward this end, we believe that applicants should have at least two (2) years of experience with a household goods carrier, or the equivalent. *This requirement would ensure that only those applicants who are familiar with the industry would be eligible to operate.* An applicant could satisfy this requirement by hiring managers with the necessary experience. We note that, notwithstanding this requirement, each application will be considered on its own merits.

Proposed Rulemaking Amending 52 Pa. Code Chapters 3, 5, 23, 31; Household Goods in Use Carriers and Property Carriers, Docket No. L-2013-2376902 (Order entered September 12, 2013),

⁶ 52 Pa. Code § 3.381.

at 6 (emphasis supplied). The purpose of this requirement that carried over to the final rulemaking, as expressly stated by the Commission, is to ensure that applicants are familiar with the industry before being found eligible to operate.

14. In its further review of the Application, staff did not consider whether Ferguson LLC is familiar with the household goods moving industry. Rather, the basis for the June 8, 2023 Secretarial Letter is staff's interpretation of the Commission's decision in *Application of Lytle Property LLC*, Docket No. A-2019-3009244 (Order entered January 3, 2020) ("*Lytle Property LLC*"), 2020 WL 128692. The Letter characterizes *Lytle Property LLC* as a determination by the Commission that an applicant could not satisfy the requirements of the regulations "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 be being derived solely from uncertificated service, we must also view any experience that Mr. Ferguson gained from working for an uncertificated carrier as tainted as well." June 8, 2023 Secretarial Letter at 1.

15. Reconsideration is warranted because the June 8, 2023 Secretarial Letter overlooked two important details. First, contrary to the situation in *Lytle Property LLC*, Djuan Ferguson worked for but did not operate an unlicensed moving company between 2004 and 2019, and the Commission has previously granted authority to applicants who worked for uncertificated carriers. *Application of Reliable Movers LLC t/a Reliable Movers*, Docket No. A-2019-3013695 (Order entered September 16, 2020, at 12-13) ("*Reliable Movers LLC*"). Second, the June 5, 2023 responses to the data requests, which sought to resolve the ambiguity identified by the Commission in the May 18, 2023 Order, explained that during 10 of the 15 years that Djuan Ferguson worked for his father's moving company, he performed exclusively moving labor services, not transportation services. Again, the Commission has granted household goods moving authority under these circumstances. *Application of Exceptional Movers LLC for Carrier of Household Goods in Use Authority*, Docket No. A-2021-3029208 (Order entered June 16, 2022) ("*Exceptional Movers*

LLC”). Therefore, based on Commission precedent, Djuan Ferguson’s experience in the industry should not be viewed as being tainted, but rather should be viewed as establishing the Applicant’s fitness to operate as a household goods moving company.

16. In *Lytle Property LLC*, the applicant had operated an unauthorized household goods business through which he had gained the necessary experience. The Commission stated that it could not “permit a household goods carrier applicant to use *its previous illegal operations* as the basis to satisfy the two-year minimum experience requirement.” *Lytle Property LLC* at 8-9 (emphasis supplied). In reaching this conclusion, the Commission noted that it is not “in the public interest to incentivize illegal carrier operations in the Commonwealth by permitting household goods carriers to utilize such operations as a basis to obtain a license from the Commission.” *Lytle Property LLC* at 9, fn. 12.

17. While *Lytle Property LLC* stands for the proposition that an applicant cannot satisfy the requirements of the regulations if the experience was comprised solely of uncertificated service provided by the applicant, that is not the case here. Rather, Djuan Ferguson did not gain the necessary experience in the industry through operating an unlicensed transportation of household goods business himself, but rather by simply working for such a business run by his father.

18. Any violations of the Public Utility Code by Djuan Ferguson’s father should not be imputed to the Applicant and his experience in the industry should not be arbitrarily discarded, especially where Djuan Ferguson’s experience in *moving labor services* exceeds the Commission’s equivalent standard. Granting authority to Ferguson LLC on the basis of this experience would not reward the Applicant for unauthorized operations since Ferguson LLC was not engaged in an unlicensed moving business. Moreover, to preclude Ferguson LLC from now obtaining Commission authority to provide these services, based on the actions of the separate company, would unfairly deny Djuan Ferguson the ability to earn a living doing what he has gathered the

experience to do his entire working life.⁷ Simply put, the unauthorized operations of Djuan Ferguson’s father, which were not examined by the Commission or found to be in violation of the Public Utility Code, are not in question here and should have no bearing on whether the Application is granted. It is the experience that Djuan Ferguson obtained working for his father’s moving company that demonstrates the Applicant’s fitness to operate as a household goods mover.

19. Moreover, the Commission’s decision in *Reliable Movers LLC* supports granting this Petition and rescinding the June 8, 2023 Secretarial Letter. In *Reliable Movers LLC*, the Commission found that the Applicant’s employment with uncertificated household goods carriers was sufficient to meet the “equivalent” standard in the Commission’s regulations. Reaching this conclusion, the Commission stressed that the purpose of the two years of experience requirement is to ensure that only those household goods applicants who are familiar with the industry are eligible to operate. The result reached in the June 8, 2023 Secretarial Letter of such prior experience being tainted is contrary to the outcome in *Reliable Movers LLC*. No doubt exists, based upon the information supplied by Ferguson LLC, that the Applicant is very familiar with the industry. The owner of Ferguson LLC has extensive experience working for a household goods moving company for almost 15 years. Therefore, the Applicant has fulfilled and exceeded the express purpose of the two years of experience requirement.

20. The Commission further observed in *Reliable Movers LLC* that it has historically examined each application for authority on the merits of the individual application. *Reliable*

⁷ It is well-settled that the actions of an independent entity may not be considered in the context of reviewing an applicant’s legal fitness to provide service. See *Rosemont Taxicab, Inc. v. Philadelphia Parking Authority*, 68 A.3d 29, 37 (Pa. Cmwlth Ct. 2013). Indeed, staff’s denial of the Application is a modern rendition of the age-old parable of a son being punished for the sins of his father. See, e.g., *Fogleman v. Mercy Hosp., Inc.*, 283 F.3d 561, 564 (3d Cir. 2002), citing *Euripides, Phrixus, frag. 970* (“[T]he gods visit the sins of the fathers upon the children.”); *Horace, Odes III, 6:1* (“For the sins of your fathers you, though guiltless, must suffer.”); *William Shakespeare, The Merchant of Venice, act III, sc. 5, line 1* (“[T]he sins of the father are to be laid upon the children.”).

Movers LLC at 8. While recognizing that the applicant in that case had been employed only by unlicensed movers, the Commission found that it “may evaluate on a case by case basis in reaching a determination of the issue of whether an applicant has the technical fitness to provide proposed service for the transportation of household goods in use.” *Reliable Movers LLC* at 12. On that basis, the Commission found that the information provided by the applicant was suggestive of work experience that may satisfy the equivalent standard and referred the matter to TUS. By Secretarial Letter dated October 13, 2020, the application was granted.

21. The same is true here. Although the Applicant’s experience was obtained solely through the employment of its owner by an unlicensed mover, a review of the information submitted with the Application demonstrates the Applicant’s knowledge of the household goods moving industry. During the time when the Applicant’s owner worked for the prior company, he performed 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. This experience taught him the importance of treating customers’ household goods with care and in accordance with industry standards that call for proper packing materials to be used and household goods to be placed in the truck in a way that protects them during transportation.

22. Further, in *Exceptional Movers LLC*, the Commission also examined the “equivalent experience” language of the regulations in reversing a prior denial of the household goods application. The Commission had previously denied the application due to staff’s interpretation of responses to data requests that the applicant’s owner obtained his experience from operating an unlicensed household goods in use carrier. Upon receiving clarification that the owner’s prior experience with the unlicensed carrier involved only the provision of moving labor services, the Commission rescinded its prior action. In the present case, 10 of the 15 years that Djuan Ferguson

worked for his father's company involved only the provision of moving labor services, justifying the rescission of the June 8, 2023 Secretarial Letter.

23. In addition, the factual scenario here is akin to that in *Application of Moving by Cury, LLC*, Docket No. A-2022-3036613, 2023 W.L. 358190 (Order entered January 19, 2023) ("*Moving by Cury*"). Similar to the applicant in *Moving by Cury*, Ferguson LLC obtained experience providing only moving labor services over a 10-year period for a separate company. As in *Moving by Cury*, that experience should be considered sufficient to support a grant of household goods moving authority.

24. Of note, during the Public Meeting on June 15, 2023, the Commission adopted the Joint Motion of Vice Chairman Stephen M. DeFrank and Commissioner Ralph V. Yanora in the *Application of Tribe Moving LLC for Household Goods in Use Authority*, Docket No. A-2023-3038475 (Joint Motion adopted June 15, 2023), which supports a grant of this Petition. In evaluating the "equivalent experience" language of the regulations, the Joint Motion reflects the regulatory flexibility to consider activities that were performed outside the context of moving household goods in use to support such an application. In the same way that the applicant's experience in waste removal services that are outside of the Commission's jurisdiction was viewed as meeting the equivalent standard in the regulations, so should the Applicant's experience here.

25. If the Commission does not view this situation as being similar enough to *Reliable Movers*, *Exceptional Movers*, or *Moving by Cury*, then Ferguson LLC respectfully requests that the Commission exercise its discretion to establish an alternative method for an entity to meet the undefined "equivalent" experience standard so that it is not arbitrarily used to discard the Applicant's knowledge of the moving industry. If necessary, regulatory flexibility is warranted under the unique circumstances presented here and in light of today's tough economic times.

V. CONCLUSION

WHEREFORE, on the basis of the foregoing, Kelvin D. Ferguson & Sons LLC t/a Kelvin D. Ferguson & Sons respectfully requests that the Commission grant this Petition for Reconsideration of Staff Action, rescind the June 8, 2023 Secretarial Letter and approve the Application for Household Goods in Use Authority.

Respectfully submitted,

/s/ Karen O. Moury

Karen O. Moury, Esquire
(PA Attorney ID No. 36879)
Eckert Seamans Cherin & Mellott, LLC
213 Market Street, 8th Floor
Harrisburg, PA 17101
(717) 237-6000 (phone)
(717) 237-6019 (fax)

Date: June 28, 2023

*Counsel for Kelvin D. Ferguson & Sons
LLC t/a Kelvin D. Ferguson & Sons*

VERIFICATION

I, Djuan Ferguson, 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).

Dated: June 28, 2023

Djuan Ferguson

Djuan Ferguson

Appendix A

**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.

**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**

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.

**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. 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



**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. 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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To Data Requests of the Bureau of Technical Utility Services
Docket No. A-2022-3036486
June 5, 2023**

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

Djuan Ferguson
Owner, Kelvin D Ferguson & Sons LLC