

**PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17120**

Public Meeting held August 24, 2023

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
Stephen M. DeFrank, Vice Chairman
Ralph V. Yanora
Kathryn L. Zerfuss
John F. Coleman, Jr.

Application of Kelvin D. Ferguson & Sons LLC

A-2022-3036486
A-8925552

OPINION AND ORDER

BEFORE THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Reconsideration from Staff Action (Second Petition),¹ filed on June 28, 2023, by Ferguson LLC, relative to the above-captioned proceeding.² The Secretarial Letter to which the Second Petition refers was

¹ As will be discussed, *infra.*, on March 29, 2023, Kelvin D. Ferguson & Sons LLC (Ferguson LLC or Petitioner or Applicant) filed a prior Petition for Reconsideration from Staff Action that the Commission addressed by an Opinion and Order entered on May 18, 2023.

² We note at the onset that, according to the Pennsylvania Department of State, the Petitioner's registered legal name is "Kelvin D. Ferguson & Sons LLC," formerly "Kelvin D. Ferguson & Sons."

issued to Ferguson LLC on June 8, 2023 (*June 2023 Secretarial Letter*). No Answer to the Second Petition has been filed. For the reasons set forth herein, we will grant Ferguson LLC's Second Petition, rescind the *June 2023 Secretarial Letter*, and refer this matter to the Commissions' Bureau of Technical Utility Services (TUS) for such further action as may be deemed necessary, consistent with the discussion in this Opinion and Order.

I. Procedural History

On November 1, 2022, Ferguson LLC filed an Application for Broker of Household Goods in Use (Broker Application) with the Commission. On January 23, 2023, TUS issued a data request to Ferguson LLC (*January 23 TUS Letter*), notifying Ferguson LLC that a response to the attached request for additional information (Attachment to the *January 23 TUS Letter*) was required within ten (10) days of the date on the *January 23 TUS Letter*, in order for TUS to proceed.³ *January 23 TUS Letter* at 1. The Attachment to the *January 23 TUS Letter* requested, *inter alia*, that: (1) the Applicant clarify the service that Ferguson LLC is requesting authority to operate and submit a new application requesting that authority, as the Broker Application implies that the Applicant intends to offer household goods in use service and Ferguson LLC previously "applied for Property rights;"⁴ and (2) if the Applicant is "currently operating

³ Subsequently, on January 24, 2023, Ferguson LLC filed a petition requesting an extension of time to respond to the *January 23 TUS Letter*. Consequently, on January 25, 2023, TUS issued a letter (*January 25 TUS Letter*) granting Ferguson LLC's request for an extension until April 9, 2023. *January 25 TUS Letter*.

⁴ On September 14, 2022, at Docket No. A-2022-3035241, Ferguson LLC filed a prior application to operate as a commercial carrier of property with the Commission, but that application was dismissed due to non-compliance. Subsequently, on October 14, 2022, at Docket No. A-2022-3036131, Ferguson LLC filed a prior application to operate as a broker who will arrange for the transportation of household goods in use with the Commission, but that application was also dismissed due to non-compliance.

or holding itself out for hire, it is to immediately refrain from doing so until such time as certificated by this Commission.”⁵ Attachment to the *January 23 TUS Letter* at 1-2.

On February 28, 2023, Ferguson LLC timely filed a response to the data requested in the Attachment to the *January 23 TUS Letter* (Response to Data Request No. 1). Then, on March 1, 2023, TUS issued a second data request to Ferguson LLC (*March 1 TUS Letter*), notifying Ferguson LLC that a response to the attached request for additional information (Attachment to the *March 1 TUS Letter*) was required within ten (10) days of the date on the *March 1 TUS Letter*, in order for TUS to proceed. *March 1 TUS Letter* at 1. The Attachment to the *March 1 TUS Letter*, *inter alia*, notes that due to inconsistencies in the Applicant’s Response to Data Request No. 1, the response should include a new application that reflects the appropriate service operations that Ferguson LLC intends to offer. See Attachment to the *March 1 TUS Letter* at ¶ 2.

On March 1, 2023, Ferguson LLC timely filed a response to the data requested in the Attachment to the *March 1 TUS Letter* (Response No. 1 to Data Request No. 2). Also, on March 2, 2023, Ferguson LLC timely filed a second response to the data requested in the Attachment to the *March 1 TUS Letter* (Response No. 2 to Data Request No. 2), which included, *inter alia*, Ferguson LLC’s Application for Motor Common Carrier or Motor Contract Carrier or Motor Contract Carrier of Household Goods in Use

⁵ We note that, upon further review of the Commission’s case management system, on or about September 13, 2022, TUS issued, via email, a letter to Ferguson LLC (*September 2022 TUS Letter*) at BP8 No. 3030914. The *September 2022 TUS Letter* explained that, essentially, information before the Commission indicates that the company has been engaged in the service of transporting property between points in Pennsylvania for compensation without a certificate of public convenience issued by the Commission authorizing it to provide such service, in violation of 66 Pa. C.S. § 1101. As such, the *September 2022 TUS Letter* directed Ferguson LLC to cease and desist from further violations of the Public Utility Code (Code).

(MCC Application), requesting authority “[t]o transport household goods in use between points in Allegheny County.”⁶ Response No. 2 to Data Request No. 2 at 1-9.

On March 6, 2023, TUS issued a third data request to Ferguson LLC (*March 6 TUS Letter*), notifying Ferguson LLC that a response to the attached request for additional information (Attachment to the *March 6 TUS Letter*) was required within ten (10) days of the date on the *March 6 TUS Letter*, in order for TUS to proceed with the MCC Application. *March 6 TUS Letter* at 1. On March 7, 2023, Ferguson timely filed a response to the data requested in the Attachment to the *March 6 TUS Letter* (Response to Data Request No. 3), which included, *inter alia*, a revised version of Ferguson LLC’s MCC Application (Revised MCC Application).⁷

By Secretarial Letter issued on March 9, 2023 (*March 2023 Secretarial Letter*), the Commission denied and dismissed Ferguson LLC’s Revised MCC Application, due to Ferguson LLC’s failure to demonstrate the required fitness to operate. *March 2023 Secretarial Letter* at 1. On March 29, 2023, Ferguson LLC timely filed its First Petition for Reconsideration from Staff Action (First Petition).⁸

⁶ We note that the Verification of Application and Verified Statement of Applicant included with the MCC Application were signed by Mr. Djuan Ferguson (Mr. Ferguson), identified as the owner of Ferguson LLC. MCC Application at 4, 7.

⁷ We note that, in its Revised MCC Application, Ferguson LLC again requested authority “[t]o transport household goods in use between points in Allegheny County.” Revised MCC Application at 3. We further note that the Verification of Application and Verified Statement of Applicant included with the Revised MCC Application were signed by Mr. Ferguson, identified as the owner of Ferguson LLC. *Id.* at 4, 7.

⁸ We note that the First Petition: (1) is signed by Ms. Karen O. Moury (Ms. Moury), identified as Counsel for Ferguson LLC; and (2) includes a Verification statement signed by Mr. Ferguson. *Id.* at 10.

On May 18, 2023, the Commission entered an Opinion and Order (*May 2023 Order*) that granted the First Petition, rescinded the *March 2023 Secretarial Letter*, and referred the matter to TUS for further action as deemed necessary. Based upon our review of the First Petition, we determined that: (1) Ferguson LLC had met the standards for reconsideration, as set forth in *Duick v. Pennsylvania Gas and Water Company*, Docket No. C-R0597001 *et al.*, 56 Pa. P.U.C. 553 (Order entered December 17, 1982) (*Duick*), by raising new considerations that appear to have been overlooked or not addressed in our *March 2023 Secretarial Letter*; (2) acknowledging the new considerations provided by Ferguson LLC in its First Petition was a more efficient use of the Commission's and Ferguson LLC's resources; and (3) it was reasonable and appropriate to refer the matter to TUS for consideration rather than deny the Revised MCC Application. *May 2023 Order* at 14-16, 19.

On May 23, 2023, after review of the additional information, TUS determined there was a need for additional specific information and issued a fourth data request to Ferguson LLC (*May 23 TUS Letter* or Data Request No. 4), notifying Ferguson LLC that a response to the attached request for additional information (Attachment to the *May 23 TUS Letter*) was required within ten (10) working days of the date on the *March 23 TUS Letter*. The Attachment to the *May 23 TUS Letter* stated, in pertinent part, the following:

The [*May 2023 Order*] raised the issue that the Petitioner's prior work experience is unclear, given the inconsistencies in the [First] Petition, and those given in the Verified Statement of Applicant of the Revised MCC Application. In the case of [*Application of Lytle Property LLC*, Docket No. A-2019-3009244 (Order entered January 3, 2020) (*Lytle*)], 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 [is] comprised solely of uncertificated service. While obtaining Commission authority may not have been the responsibility of the [A]pplicant 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 [A]pplicant does claim (in [the] 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 [A]pplicant 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-).

Attachment to the *May 23 TUS Letter*.

On June 5, 2023, Ferguson LLC timely filed itemized responses to the information requested in the Attachment to the *May 23 TUS Letter* (Response to Data Request No. 4).⁹ In response to the *May 23 TUS Letter*, the Petitioner represented that from approximately 2004 to 2019, while Ferguson LLC was operating under the direction of Mr. Ferguson’s father and without a certificate of public convenience, Mr. Ferguson gained experience in the household goods moving industry. Specifically, the Petitioner stated the following:

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

⁹ The Response to Data Request No. 4 was comprised of: (1) a cover letter signed by Ms. Moury; (2) itemized responses to the Attachment to the *May 23 TUS Letter*; and (3) a Verification statement signed by Mr. Ferguson. Response to Data Request No. 2 at 2-6.

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 [R]egulations for the equivalent of two years of experience in the household goods moving industry.

Response to Data Request No. 4 at 2.

On June 8, 2023, as noted, *supra*, the Commission issued the *June 2023 Secretarial Letter* denying and dismissing the Application. This letter noted that in the *May 23 TUS Letter*, Ferguson LLC was requested to provide additional evidence to meet the Commission's Regulations regarding experience, and that Ferguson LLC failed to demonstrate the requisite fitness to operate. Specifically, the *June 2023 Secretarial Letter* provided, in pertinent part, as follows:

In that [Response to Data Request No. 4], the [A]pplicant 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], the Commission determined that an applicant could not satisfy the requirements of 52 Pa. Code §3.381(c)(1)(iii)(A)(II)(-I-), if the experience [was] comprised solely of uncertificated service. In that same vein, if we are to consider the experience that the applicant of [Lytle] 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 [A]pplicant 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.

June 2023 Secretarial Letter at 1. The *June 2023 Secretarial Letter* further stated that, if Ferguson LLC disagreed with this determination, then a Petition for Reconsideration from Staff Action may be submitted to the Commission requesting that the Commission change its determination.¹⁰ *June 2023 Secretarial Letter* at 2.

As noted, on June 28, 2023, Ferguson LLC timely filed its Second Petition. No response to the Second Petition has been filed.

II. Discussion

A. Legal Standards

In considering the instant Petition, we note that any issue or contention that we do not specifically address shall be deemed to have been duly considered and denied without further discussion. The Commission is not required to consider, expressly or at length, each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *also see, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

Petitions for Reconsideration from Staff Action are governed by Section 5.44(a) of the Commission’s Rules of Administrative Practice and Procedure, 52 Pa. Code § 5.44(a), which provides the following:

Actions taken by staff, other than a presiding officer, under authority delegated by the Commission, will be deemed to be the final action of the Commission unless reconsideration is

¹⁰ It should be noted that the *June 2023 Secretarial Letter* stated that all parties to pending Commission proceedings “must open and use an e-filing account through the Commission’s website, or you may submit your filing by overnight delivery.” *June 2023 Secretarial Letter* at 2 (emphasis omitted). The Commission’s records indicate that Ferguson LLC is in active e-filer status.

sought from the Commission within 20 days after service of notice of the action, unless a different time period is specified in this chapter or in the act.

52 Pa. Code § 5.44.

In considering an appeal from Staff Action, the Revised MCC Application and compliance with Commission Regulations, Section 332(a) of the Code, 66 Pa. C.S. § 332(a), provides that the party seeking affirmative relief from the Commission has the burden of proof. In this proceeding, Ferguson LLC is the party seeking affirmative relief from the Commission. Therefore, Ferguson LLC is the party with the burden of proof. *See Application of 610 Hauling, LLC, t/a College Hunks Hauling Junk, for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, from points in the counties of Chester, Delaware, Montgomery, Philadelphia, and Bucks, to points in Pennsylvania*, Docket Nos. A-2012-2334103 and A-8915269 (Order entered November 5, 2015) (*Application of 610 Hauling*), citing *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950) (*Se-Ling Hosiery*).

In *Se-Ling Hosiery*, the Pennsylvania Supreme Court held that the term “burden of proof” means a duty to establish a fact by a preponderance of the evidence. The term “preponderance of the evidence” means that one party has presented evidence that is more convincing, by even the slightest degree, than the evidence presented by the opposing party. Additionally, the Commission must ensure that the decision is supported by substantial evidence in the record. The Pennsylvania appellate courts have defined substantial evidence to mean such relevant evidence that a reasonable mind may accept as adequate to support a conclusion; more is required than a mere trace of evidence or a suspicion of the existence of a fact sought to be established. *Norfolk & Western Railway Co. v. Pa. PUC*, 489 Pa. 109, 413 A.2d 1037 (1980); *Murphy v. Pa. Dept. of Public Welfare, White Haven Center*, 480 A.2d 382 (Pa. Cmwlth. 1984).

Additionally, pursuant to Section 1103(a) of the Code, 66 Pa. C.S. § 1103(a), an application for a certificate of public convenience should be granted only if the Commission finds that “the granting of such certificate is necessary or proper for the service, accommodation, convenience or safety of the public.”

Specifically, the pertinent Regulation cited in the *June 2023 Secretarial Letter* requires:

(-1-) A statement that the applicant has a minimum of 2 years of experience with a licensed household goods carrier or the equivalent. This requirement shall be applicable to all applications for household goods, whether protested or not.

52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-1-).

B. Ferguson LLC’s Second Petition¹¹

In response to the *June 2023 Secretarial Letter*, the Petitioner avers that Mr. Ferguson has nearly fifteen (15) years of experience working for an unlicensed moving company in the household goods moving industry, and for ten (10) of those 15 years, Mr. Ferguson’s experience was limited to providing moving labor services and not transportation services, which is the same as if these services had been provided for a licensed household goods mover. Second Petition at 1-2. The Petitioner argues that, based on prior Commission decisions, “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.” *Id.* at 2. Accordingly, the Petitioner argues that because Mr. Ferguson was an employee

¹¹ We note that the Second Petition includes, *inter alia*, a copy of the Response to Data Request No. 4 and a Verification statement signed by Mr. Ferguson. *See* Second Petition at 14-20.

of Ferguson LLC and did not operate the company while he was gaining household goods moving experience, his experience should be viewed as the equivalent of working for two years with a licensed household goods mover. Additionally, the Petitioner argues that Mr. Ferguson's experience should not be "discounted" or "discredited based on [the] mere association with an unlicensed entity at the time," nor should the "actions of a separate company" prevent Ferguson LLC from obtaining Commission authority. *Id.*

The Petitioner questions the basis for the *June 2023 Secretarial Letter* to argue that contrary to the circumstances in *Lytle*, Mr. Ferguson worked for, but did not operate, an unlicensed transportation of household goods business, and the Commission has previously granted authority to applicants who gained industry experience by working for uncertificated carriers. Second Petition at 7-8 (citing *June 2023 Secretarial Letter* at 1; *Application of Reliable Movers LLC t/a Reliable Movers*, Docket No. A-2019-3013695 (Order entered July 16, 2020) (*Reliable Movers*) at 12-13). Furthermore, the Petitioner repeats that during 10 of the 15 years that he worked for his father's company, Mr. Ferguson performed moving labor services and not transportation services, and the Commission has previously granted household goods moving authority under such circumstances. *Id.* at 7-8 (citing *Application of Exceptional Movers LLC*, Docket Nos. A-2021-3029208 and A-8919919 (Order entered June 16, 2022) (*Exceptional Movers*)).

The Petitioner also contends that, given that Mr. Ferguson's moving labor services experience exceeds the Commission's equivalent standard, Mr. Ferguson should not be "imputed" with his father's violations of the Code. Second Petition at 8. Further, the Petitioner argues that because "Ferguson LLC was not engaged in an unlicensed moving business," granting authority to operate on the basis of Mr. Ferguson's experience would not be a "reward" for unauthorized operations. Second Petition at 8. Moreover, the Petitioner asserts that "the actions of the separate company" or "independent entity," and the "unauthorized operations" of Mr. Ferguson's father, are

irrelevant here because the experience Mr. Ferguson obtained while working for “his father’s moving company” demonstrates the requisite fitness to operate as a household goods mover. *Id.* at 8-9 (citing *See Rosemont Taxicab, Inc. v. Philadelphia Parking Authority*, 68 A.3d 29, 37 (Pa. Cmwlth Ct. 2013); *Fogleman v. Mercy Hosp., Inc.*, 283 F.3d 561, 564 (3d Cir. 2002)).

The Petitioner also contends that the basis for the conclusion in the *June 2023 Secretarial Letter* is contrary to the outcome in *Reliable Movers*. Specifically, the Petitioner explains that although Mr. Ferguson’s experience was obtained solely through employment with an unlicensed mover, Mr. Ferguson’s familiarity with the household goods moving industry and his nearly 15 years of working for a household goods moving company demonstrates his knowledge of the industry and exceeds the express purpose of the two years of experience requirement. Second Petition at 9-10 (citing *Reliable Movers* at 8, 12). Moreover, the Petitioner notes that while “work[ing] for the prior company” that was operated by his father, Mr. Ferguson: (1) performed moving labor services, including the packing and unpacking of customers’ household goods and loading and unloading of those goods onto trucks; and (2) learned the importance of treating household goods with care and in accordance with industry standards. *Id.*

The Petitioner also refers to *Exceptional Movers*, where the denial of a household goods application was reversed after the Commission received clarification that the owner’s prior experience with an unlicensed carrier involved solely moving labor services. Second Petition at 10 (citing *Exceptional Movers*). The Petitioner continues that here, rescission of the *June 2023 Secretarial Letter* is justified because for 10 of the 15 years that Mr. Ferguson obtained experience from working for “a separate company” operated by his father, Mr. Ferguson provided solely moving labor services. *Id.* at 10-11 (citing *Application of Moving by Cury, LLC*, Docket No. A-2022-3036613 (Order entered January 19, 2023) (*Cury*)). Further, the Petitioner refers to the proceeding in the

Application of Tribe Moving LLC for Household Goods in Use Authority, Docket Nos. A-2023-3038475 and A-8925989 (Joint Motion adopted June 15, 2023; Order entered July 5, 2023) (*Tribe Moving*) to argue that Mr. Ferguson’s experience should be viewed similarly because, in *Tribe Moving*, “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 [R]egulations.” Second Petition at 11 (citing *Tribe Moving*). Finally, the Petitioner requests that, if the Commission determines that the situation here is not similar to *Reliable Movers*, *Exceptional Movers*, or *Cury*, then “the Commission exercise its discretion to establish an alternative method for an entity to meet the undefined equivalent standard so that it is not arbitrarily used to discard the Applicant’s knowledge of the moving industry.” *Id.*

C. Disposition

In its Petition, the Petitioner avers in further detail that the 10 years of experience that Ferguson LLC’s current owner, Mr. Ferguson, obtained by exclusively providing moving labor services while working for, but not operating, an unlicensed household goods in use carrier (*i.e.*, Ferguson LLC) is the equivalent of working two years with a licensed household goods mover.

Regarding the instant Petition, we find that the statements of the Petitioner concerning the work experience of Mr. Ferguson with Ferguson LLC meet the standards for reconsideration established under *Duick*. Based on the averments in the Petition, Ferguson LLC has met the standards for reconsideration by identifying considerations which appear to have been overlooked. Moreover, the information provided by Ferguson LLC to the Commission in its Response to Data Request No. 4 and the Second Petition clarify the prior ambiguities regarding the Applicant’s prior work experience that previously existed in the Application and the First Petition.

In four recent Commission decisions, including *Tribe Moving*, *Cury*, *Exceptional Movers* and *Reliable Movers*, the Commission granted household goods authority to applicants who demonstrated the requisite fitness by providing evidence of performing labor-only service with respect to household goods. In those cases, the Commission found that applicants with experience in “labor only moving operations” sufficiently demonstrate the equivalent standard required by Section 3.381(c)(1)(iii)(A)(II)(-1-). *See, Tribe Moving* at 9; *Cury* at 10.

Given this recent Commission precedent, we agree with Ferguson LLC that it has met the fitness requirement, given that Ferguson LLC’s current owner, Mr. Ferguson, has 10 years of load and unload experience, albeit that the service of the household goods being loaded and unloaded was provided through employment with a household goods carrier that was not certificated. *See, Reliable Movers* at 12-13. In addition, as we did in *Reliable Movers*, we find the circumstances presented by Ferguson LLC are distinguishable from the considerations in *Lytle*. Because Ferguson LLC has clarified and demonstrated that it has 10 years of experience providing the labor service for a household goods operation, we conclude that the equivalent experience requirement has been met to satisfy the Commission’s fitness standards, consistent with recent Commission precedent.

Based on the foregoing, we shall refer the matter to TUS for further evaluation and processing.

III. Conclusion

Upon review and consideration of the Second Petition for Reconsideration from Staff Action filed by Kelvin D. Ferguson & Sons LLC, we shall grant the Petition, consistent with this Opinion and Order. In addition, we will refer the Application for Motor Common Carrier or Motor Contract Carrier or Motor Contract Carrier of

Household Goods in Use of Kelvin D. Ferguson & Sons LLC to the Commission's Bureau of Technical Utility Services for further action and processing, consistent with this Opinion and Order; **THEREFORE**,

IT IS ORDERED:

1. That the Petition for Reconsideration from Staff Action filed by Kelvin D. Ferguson & Sons LLC, on June 28, 2023, pertaining to the Secretarial Letter issued on June 8, 2023, at Docket No. A-2022-3036486, is granted, consistent with this Opinion and Order.

2. That the Secretarial Letter issued on June 8, 2023, at Docket No. A-2022-3036486, is rescinded.

3. That this matter, at Docket No. A-2022-3036486, be referred to the Bureau of Technical Utility Services for further action and processing, consistent with this Opinion and Order.

BY THE COMMISSION,



Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: August 24, 2023

ORDER ENTERED: August 24, 2023