

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

Public Meeting held September 21, 2023

Commissioners Present:

Stephen M. DeFrank, Chairman  
Kimberly M. Barrow, Vice Chair  
Ralph V. Yanora  
Kathryn L. Zerfuss  
John F. Coleman, Jr.

Cancellation of Certificate of Public Convenience  
of New Beginning's Moving & Hauling LLC

A-2022-3036210  
M-2023-3040348  
A-8925028

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Reinstatement (Petition) filed by New Beginning's Moving & Hauling LLC (New Beginning's or Petitioner) on July 28, 2023. The Petition was filed in response to the Secretarial Letter issued on July 13, 2023 (*July 2023 Secretarial Letter*), which canceled the Petitioner's Certificate of Public Convenience (Certificate) in the above-captioned docket. No response to the Petition has been filed. For the reasons set forth herein, we shall grant the Petition, consistent with this Opinion and Order.

## History of Proceeding

On October 18, 2022, New Beginning's applied for a Certificate from the Commission to operate as a common carrier of household goods in use.

On January 3, 2023, the Commission issued a Secretarial Letter (*January 2023 Secretarial Letter*) informing New Beginning's, *inter alia*, of certain forms to file with the Commission in order for its Certificate to be approved. The *January 2023 Secretarial Letter* specifically mentioned that New Beginning's must have its insurance company file Form E, as evidence of bodily injury and property damage liability insurance; and Form H, as evidence of cargo liability insurance, or, in the alternative, an acceptable cargo waiver, which prove that it has obtained the appropriate insurances as well as a draft tariff. The *January 2023 Secretarial Letter* advised New Beginning's that its insurance company must file Form E and Form H with the exact name as it appeared on the letter – "New Beginnings Moving & Hauling, LLC."<sup>1</sup> *January 2023 Secretarial Letter* at 1.

On February 22, 2023, and February 23, 2023, respectively, Form E and Form H were filed on behalf of New Beginning's. Subsequently on March 8, 2023, New Beginning's filed a draft tariff.

The Commission issued New Beginning's a Certificate on or about March 8, 2023, at Docket Nos. A-8925028 and A-2022-3036210, for authority to

---

<sup>1</sup> We note that the Application and the Secretarial Letter use the name New Beginnings Moving and Hauling, LLC; however, the name was entered into the Commission's case management system as New Beginning's Moving and Hauling LLC. Also, the Pennsylvania Department of State's official database lists the Petitioner's registered name as New Beginning's Moving and Hauling LLC. For purposes of the Opinion and Order we will use New Beginning's.

transport, as a common carrier, by motor vehicle, household goods in use, between certain points in Pennsylvania.

On April 28, 2023, the Commission received notice via a Form K that New Beginning's Form E insurance lapsed.<sup>2</sup>

On May 18, 2023, the Commission issued a Tentative Order at Docket No. M-2023-3040348, determining that several carriers including New Beginning's, failed to comply with the insurance requirements of 66 Pa. C.S. § 512. *See, Cancellation of Certificates of Public Convenience for Motor Carriers; Failure to Maintain Evidence of Insurance*, Docket No. M-2023-3040348 (Tentative Order entered May 18, 2023) (*Tentative Order*). The *Tentative Order* recognized that carriers, including New Beginning's, were sent correspondence notifying them that their operating authority was suspended for failure to maintain insurance as required by statute. None of the carriers identified in the *Tentative Order*, including New Beginning's, submitted evidence of insurance with the Commission. The *Tentative Order* directed the Secretary's Bureau to publish the *Tentative Order* in the *Pennsylvania Bulletin*. The *Tentative Order* provided the carriers with thirty (30) days to contest the Certificate cancellation or file with the Commission acceptable evidence of insurance. Absent timely challenge or acceptable evidence of insurance, the *Tentative Order* noted that a Secretarial Letter would be prepared by the Bureau of Technical Utility Services (TUS) cancelling the Certificate of each motor carrier that fails to respond. The *Tentative Order* was published in the *Pennsylvania Bulletin* on June 3, 2023, at 53 *Pa.B.* 3059.

---

<sup>2</sup> The Commission notifies the carrier via email, if the carrier supplies an email address to the Commission, that an insurance filing was rejected by the Commission. The email includes, *inter alia*, the Insurance Form Type, Insured Name, Utility Name and the Reason for Rejection.

On July 13, 2023, the Commission issued the *July 2023 Secretarial Letter*, cancelling New Beginning's Certificate for failure to respond to the *Tentative Order* and remaining in non-compliance with the insurance requirements at 66 Pa. C.S. § 512. The *July 2023 Secretarial Letter* requested the Pennsylvania Department of Transportation (PennDOT) put an administrative hold on New Beginning's vehicle registrations and that New Beginning's will be prohibited from registering any new vehicles or renewing existing vehicles until a new application for authority is submitted.

As noted, *supra*, New Beginning's filed the instant Petition on July 28, 2023. No response to the Petition has been filed.

## **Discussion**

### **Legal Standards**

It is well-settled that decisions such as whether to grant a petition for reinstatement are left to the Commission's discretion and will be reversed only if that discretion is abused. *Hoskins Taxi Service v. Pa. PUC*, 486 A.2d 1030 (Pa. Cmwlth. 1985). In ruling upon a petition for reinstatement, it is incumbent upon the Commission to examine all relevant factors in order to reach an equitable result. *Medical Transportation, Inc.*, 57 Pa. P.U.C. 79 (1983).

The Commission has identified five factors which are particularly relevant to the determination of a petition to reinstate: (1) the amount of time which elapsed between the cancellation of the certificate of public convenience and the filing of the petition to reinstate; (2) whether the petitioner has a record of habitually violating the Code or the Commission's Regulations; (3) the reasonableness of the excuse given for the violation that caused the certificate of public convenience to be canceled; (4) whether the petitioner has implemented procedures to prevent a recurrence of the circumstances

giving rise to the subject complaint; and (5) whether the petitioner is in compliance with the requirement that all assessments must be current prior to reinstatement. *See, e.g., Pa. PUC v. Limo Today, Inc.*, Docket No. A-00124027 (Opinion and Order entered August 27, 2020); *Re: M.S. Carriers, Inc.*, Docket No. A-00110601 (Opinion and Order entered May 4, 1999); *Pa. PUC v. Grimm Motors*, Docket No. A-00111048, *et al.* (Opinion and Order entered May 1, 1998); *Re: Bishop*, 58 Pa. P.U.C. 519 (1984).

Finally, in considering the Petition, we are reminded that we are not required to consider expressly or at length each contention or argument raised in the Petition. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984). Therefore, any argument that we do not specifically address herein shall be deemed to have been duly considered and denied without further discussion.

### **New Beginning's Petition**

In its Petition, New Beginning's seeks reinstatement of the Certificate. New Beginning's avers that its insurance carrier, Progressive, electronically filed Form E on March 30, 2023 (March 30 Form E), effective on April 28, 2023. Petition at 1. New Beginning's March 30 Form E was rejected. According to the Petition, Commission records changed "New Beginnings Moving and Hauling LLC" to "New Beginning's Moving and Hauling LLC" and its business address was changed from its physical address to its post office box. *Id.* at 1. New Beginning's believes the changes were due to the information migrating from its LLC filing in the Department of State database. *Id.* at 1.

The Petitioner explains that its insurance carrier, Progressive, failed to timely notify it of the rejection of the March 30 Form E and failed to resubmit Form E on

the Petitioner's behalf. *Id.* at 1. New Beginning's sought explanation from Progressive and did not receive a response. *Id.* at 1.

New Beginning's states that it is in the process of changing its insurance policies to The Selzer Company from its current out-of-state insurance agency. *Id.* at 2. The Petitioner intends to rely on The Selzer Company's experience representing movers in Pennsylvania to ensure that errors such as discussed above will not occur in the future. *Id.* at 2.

Finally, New Beginning's requests reinstatement of its Certificate to operate as a motor common carrier of household goods in use. *Id.* at 2.

## **Disposition**

Based upon our review, we will conditionally grant the Petition. Initially, we note the facts of this case concerning the history of the filings indicate that the Petitioner complied with the requirements as evidenced by the Commission's Secretarial Letter issuing a Certificate. However, subsequent to that Secretarial Letter the Form E was cancelled. Consequently, the Commission included New Beginning's in the list of carriers as failing to have insurance in the *Tentative Order* and provided it with thirty (30) days to comply with the *Tentative Order*. After failing to comply with that order the Commission canceled the Certificate via the *July 2023 Secretarial Letter*. Furthermore, initially, we note that it is necessary to evaluate all five reinstatement factors in deciding whether to grant or deny the Petitioner's request to reinstate New Beginning's authority.

The first factor in the Commission's review of a petition for reinstatement is the amount of time a certificate has remained dormant. As noted above, New Beginning's filed the instant Petition on July 28, 2023, fifteen days after the cancellation

was issued on July 13, 2023. Given the timing between the cancellation and the instant Petition, this factor weighs favorably toward granting reinstatement.

The second reinstatement factor is whether New Beginning's has a record of habitually violating the Code or the Commission's Regulations. As indicated, *supra*, New Beginning's was recently certificated in March of 2023. A review of Commission records does not reveal any violations on the part of New Beginning's. Accordingly, we conclude that this factor weighs in favor of reinstatement.

The third reinstatement factor considers the reasonableness of the excuse offered for the violation that caused New Beginning's Certificate to be cancelled. As discussed above, the reason for cancellation of New Beginning's Certificate was failure to comply with the insurance requirements under 66 Pa. C.S. § 512. New Beginning's states that its name was inadvertently changed from "New Beginnings Moving and Hauling LLC" to "New Beginning's Moving and Hauling LLC" in the Commission's records. Petition at 1. We note that the *January 2023 Secretarial Letter* directed the Petitioner to file its Form E as "New Beginnings Moving & Hauling, LLC." *January 2023 Secretarial Letter* at 1. The Petitioner's address was also changed from its physical address to its post office box. New Beginning's avers that this change in name and address was the cause of rejection of its Form E. Further, New Beginning's insurance carrier, Progressive, did not notify the Petitioner of the rejection or refile a Form E to maintain compliance with Commission regulations. Petition at 1. Accordingly, we weigh the third factor in favor of reinstatement.

Next, we address the fourth reinstatement factor of whether New Beginning's has implemented procedures to prevent a recurrence of the circumstances giving rise to the cancellation of its Certificate. As discussed, *supra*, New Beginning's notes that it is in the process of switching its policies from Progressive to The Selzer Company. Petition at 2. The Petitioner states that The Selzer Company has experience

representing movers in Pennsylvania and expects that, with this change, similar errors will not occur in the future. *Id.* This factor weighs in favor of reinstatement.

Finally, we address the fifth reinstatement factor of whether all assessments and fines are current. The Petitioner has no unpaid civil penalties or assessments. Therefore, this weighs in favor of granting reinstatement.

Based upon the totality of the facts and circumstances in this case, we find that a conditional reinstatement of New Beginning's Certificate is appropriate. In conditionally granting the Petition, we expect that New Beginning's outstanding insurance matter will be resolved by New Beginning's having its insurance company provide evidence of bodily injury and property damage liability insurance (Form E) and Form H, as evidence of cargo liability insurance, which prove that it has obtained the appropriate insurances, to the Commission, as well as New Beginning's shall submit any other information deemed necessary by the Commission, within twenty (20) days from the date of this Opinion and Order prior to reinstatement of New Beginning's operating authority, consistent with this Opinion and Order. We further note that New Beginning's has had several prior opportunities to provide this information. If New Beginning's fails to do so again here it will result in its certificate to operate remaining cancelled and if it would choose to operate again New Beginning's would have to submit a new application for authority to do so.

### **Conclusion**

For the reasons set forth herein, we shall conditionally grant the Petition of New Beginning's Moving and Hauling LLC, consistent with this Opinion and Order;  
**THEREFORE,**

**IT IS ORDERED:**

1. That the Petition for Reinstatement, filed by New Beginning's Moving & Hauling LLC on July 28, 2023, is granted on the following condition:

That New Beginning's shall have their insurance company submit a Form E and Form H within twenty (20) days from the date of this Opinion and Order.

2. That if New Beginning's Moving and Hauling LLC complies with the requirements of Ordering Paragraph 1 above, the Secretary's Bureau shall reinstate the Certificate of Public Convenience of New Beginning's Moving and Hauling LLC at Docket No. A-2022-30306210.

3.. That, if New Beginning's Moving and Hauling LLC does not comply with the requirements of Ordering Paragraph 1 above, the Certificate of Public Convenience of New Beginning's Moving and Hauling LLC will remain cancelled, without further action of the Commission.

5. That a copy of this Opinion and Order shall be served on the Fiscal Office of the Commission's Bureau of Administration.

6. That a copy of this Opinion and Order shall be served upon the Commission's Bureau of Technical Utility Services.

7. That if New Beginning's Moving and Hauling LLC complies with Ordering Paragraph No. 2, the Secretary's Bureau shall issue a Secretarial Letter to the Pennsylvania Department of Transportation and the Pennsylvania Department of Revenue notifying the Department of Transportation and the Department of Revenue of

the reinstatement of New Beginning's Moving and Hauling LLC's Certificate of Public Convenience.

8. That if New Beginning's Moving and Hauling LLC complies with Ordering Paragraph No. 2 and its Certificate of Public Convenience is reinstated, that the Secretary's Bureau shall mark this proceeding at Docket No. A-2022-3036240 closed.

9. That if New Beginning's Moving and Hauling LLC fails to comply with Ordering Paragraph No. 2, that the Secretary's Bureau shall mark this proceeding at Docket No. A-2022-3036240 closed.

**BY THE COMMISSION,**



Rosemary Chiavetta  
Secretary

(SEAL)

ORDER ADOPTED: September 21, 2023

ORDER ENTERED: September 21, 2023