



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

May 21, 2025

A-8925552
A-2025-3055257
A-2025-3055259

BRYCE R BEARD ESQUIRE
ECKERT SEAMANS CHERIN & MELLOTT LLC
213 MARKET STREET 8TH 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 Paratransit authority at Docket No. A-2025-3055257 & A-2025-3055259 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 establish fitness to operate.** Under 52 Pa. Code §41.14(4) The Commission is to determine whether an applicant possesses the technical and financial ability to provide the proposed service. On May 20, 2025, the applicant filed applications for Household Goods in Use and Property authority. In 2023, the Commission granted the applicant a Certificate of Public Convenience to operate as a household goods carrier, but did so with reservations that the technical experience that the applicant gained was through their time operating/working for an uncertificated carrier. Upon being granted authority to operate, the carrier has failed to achieve a satisfactory safety fitness review demonstrating at least a minimal compliance with the Commission's motor carrier safety regulations. In addition to that, the information provided in this application failed to provide acceptable policies for criminal background checks and driver license/history checks that complied with the regulations found at Title 52 Pa Code §31.134, 37.204, and 49 CFR §391.25. Given the Commission's previous reservations, the inability to obtain satisfactory safety fitness reviews, and the failure to provide compliant policies/plans for the hiring/employment of drivers for their vehicles, it has been determined that the applicant lacks the requisite technical fitness to provide safe, efficient, and reliable transportation.

For this reason(s), your 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 are advised to open and use an e-filing account through the Commission's website, OR you may submit your filing by mail. If a filing contains confidential or proprietary material, the filing is required to be mail.

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.

Sincerely,



Matthew L. Homsher
Secretary