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June 23, 2025

Bryce R. Beard
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Via Electronic Filing

Matthew Homsher, Secretary
Pa. Public Utility Commission
400 North Street
Harrisburg, PA 17120

RE: Applications of Kelvin D. Ferguson & Sons LLC, t/a Kelvin D. Ferguson & Sons
For Additional Household Goods In Use Authority and Property Authority
Docket Nos. A-2025-3055257, A-2025-3055259

Dear Secretary Homsher:

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 in regards to the ***corrected*** Secretarial Letter dated June 3, 2025 in the above referenced dockets.

If you need anything further, please let me know. Thank you for your attention to this matter.

Sincerely,

/s/ Bryce R. Beard

Bryce R. Beard

Enclosure

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Applications of Kelvin D. Ferguson & Sons LLC	:	
t/a Kelvin D. Ferguson & Sons For Additional	:	Docket Nos. A-2025-3055257
Household Goods In Use Authority and Property	:	A-2025-3055259
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 *corrected* Secretarial Letter dated June 3, 2025 denying Ferguson & Sons’ Application for Additional Household Goods in Use Authority and Application for Rights to Operate as a Commercial Carrier of Property for Compensation (collectively, the “Applications”). In support of this Petition, Ferguson LLC avers as follows.

I. INTRODUCTION

By Secretarial Letter dated June 3, 2025, the Commission denied the Applications for additional rights to an existing, certificated motor carrier (A-8925552) on the grounds that Ferguson LLC “failed” a recent safety fitness review and inspection, including:

- Failed to achieve a satisfactory safety fitness review demonstrating at least a minimal compliance with the Commission’s motor carrier safety regulations;
- Failed to provide acceptable policies for criminal background checks and driver license/history checks

¹ 52 Pa. Code § 5.44.

Additionally, the Secretarial Letter prejudged the Applications, citing undefined “previous reservations.” Ultimately, the Secretarial Letter “determined that the applicant lacks the requisite technical fitness provide safe, efficient, and reliable transportation.”

However, not stated in the Secretarial Letter was the fact that Ferguson LLC was and has been working with the Commission’s Bureau of Transportation & Safety Motor Carrier Enforcement division to remedy the minor record keeping issues which lead to an initial failed safety audit earlier this year. Notably, as seen attached in **Attachment A**, just two (2) days after the Secretarial Letter was issued on June 5, 2025, Ferguson LLC received a passing safety inspection, affirming that Ferguson LLC has brought its minor record keeping issues into full compliance with the Commission’s rules and regulations. Therefore, under simple fairness and administrative efficiency, it is appropriate for the Commission to reconsider Staff’s two-day prior Secretarial Letter denying the Applications on matters which are moot as of just two (2) days later, and ultimately grant the Applications for additional certificated rights given the Commission’s own recognition of Ferguson LLC’s passing safety inspection on June 5, 2025.

Aside from the minor recordkeeping issues which are now corrected to the Commission’s satisfaction, there is no basis provided in the June 3, 2025 Secretarial Letter for denying the Applications. As such, the Commission should grant this Petition and the Applications as submitted Ferguson LLC who has proven its technical fitness and compliance with the Commission’s safety audits.

II. BACKGROUND

1. The Applicant is a motor carrier of household goods in use licensed at Docket No. A-8925552 and A-2022-3036486.

2. Applicant is currently certificated “To transport, as a common carrier, by motor vehicle, household goods in use, between points in Allegheny County.”²

3. Applicant was issued a certificate of public convenience identified above on December 22, 2023.

4. Applicant’s current owner, Djuan Ferguson, has approximately 20 years experience in the household goods moving industry.

5. On May 19, 2025, Applicant filed the Applications seeking to expand the household goods in use beyond the current limit imposed to “Allegheny County” and to operate as a commercial carrier of property.

6. On May 21, 2025, the Commission issued a Secretarial Letter denying the Applications.

7. On June 3, 2025, the Commission issued a *corrected* Secretarial Letter denying the Applications. The Secretarial Letter provided that the Applicant could file a Petition for Reconsideration of Staff Action asking the Commission to change its determination.

8. By this Petition for Reconsideration of Staff Action, Ferguson LLC respectfully requests that the Commission rescind the June 3, 2025 Secretarial Letter and grant the Applications.

III. APPLICABLE LEGAL STANDARDS

9. 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.³ 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 *corrected* Secretarial Letter notifying Ferguson LLC of the denial of its

² <https://www.puc.pa.gov/pcdocs/1810312.pdf>

³ 52 Pa. Code § 5.44.

application was issued on June 3, 2025, this Petition for Reconsideration of Staff Action is timely filed.

10. 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 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

11. Section 3.381 of the Commission's regulations establishes the procedures for filing an application for the transportation of household goods in use.⁴ As an existing licensed carrier, Applicant is presumed technically fit to operate safely and in compliance with the Commission's regulations.

12. The core issue that warrant's the Commission rescinding the June 3, 2025 Secretarial letter and granting the Applications is one of simple timing. Earlier in 2025, the Commission conducted a safety audit of Applicant which found minor record keeping violations and similar which Applicant then worked directly with Commission staff – in good faith – to correct and remedy as quickly as possible.

13. When Applicant filed for additional certificate rights on May 19, 2025, Applicant was pending a follow-up review / safety audit with Commission staff. With the corrective actions

⁴ 52 Pa. Code § 3.381.

already taken to remedy the record keeping issues, Applicant did not appreciate that the Commission would out-right deny the Applications as it did by the June 3, 2025 Secretarial Letter.

14. Ultimately, the follow-up safety audit was completed by the Commission's staff on June 5, 2025. Applicant received passing remarks from the Commission auditor that all aspects of the record keeping issues had been resolved.

15. On June 6, 2025, the Commission staff issued its audit report (see **Attachment A**) noting "Yes" to passing findings provided the following comments:

- a. Applicant has no reportable accidents to date (page 1)
- b. Applicant *corrected* his record keeping regarding driver's application, which prior audit noted documents for Applicant's 3 drivers were missing. (page 1, 2)
- c. Applicant confirmed his process for running background checks in compliance with 52 Pa. Code 32.134(a) to the auditor's satisfaction (Page 2, 5).

16. The Secretarial Letter dated June 3, 2025, the Commission denied the Applications for additional rights to an existing, certificated motor carrier (A-8925552) on the grounds that Ferguson LLC "failed" a recent safety fitness review and inspection, including:

- Failed to achieve a satisfactory safety fitness review demonstrating at least a minimal compliance with the Commission's motor carrier safety regulations;
- Failed to provide acceptable policies for criminal background checks and driver license/history checks
- Cited undefined "previous reservations."

17. Ultimately, the June 3, 2025 Secretarial Letter "determined that the applicant lacks the requisite technical fitness provide safe, efficient, and reliable transportation."

18. The results of the June 6, 2025 safety inspection and Audit report (**Attachment A**) warrant the Commission rescinding the June 3, 2025 Secretarial Letter as moot where the Commission has confirmed that Applicant is operating in compliance with the Commission's regulations.

19. The June 6, 2025 Audit report is evidence of the Applicant's desire and motives to comply with the Commission's regulations, presenting his technical fitness to be issued additional certificates of public convenience.

20. The June 6, 2025 Audit report also render's moot the June 3, 2025 findings in the Secretarial Letter. As such, it is administratively effective for the Commission to rescind the denial letter and grant the applications, as the only other option is for Applicant to be forced to file duplicate applications and be forced to pay duplicate application fees when such is not just or reasonable under the circumstances.

21. Requiring Applicant to file a new application in lieu of granting this Reconsideration is unreasonable because that requires Applicant to expend additional expense to prepare and submit the same application as well as creating duplicative work for the Secretary's Bureau and staff in starting a new consideration of the same application.

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 3, 2025 Secretarial Letter and approve the May 19, 2025 Application for Household Goods in Use Authority and Application for Commercial Carrier of Property Authority.

Respectfully submitted,

/s/ Bryce R. Beard

Deanne O'Dell, Esquire
(PA Attorney ID No. 81064)
Bryce R. Beard, Esquire
(PA Attorney ID No. 325837)
Eckert Seamans Cherin & Mellott, LLC
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bbeard@eckertseamans.com

Date: June 23, 2025

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

VERIFICATION

I, Djuan Ferguson, am the President and Owner of Kelvin D Ferguson & Sons LLC. I 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).

6/23/2025

Dated

/s/ Djuan Ferguson

Djuan Ferguson
President and Owner
Kelvin D Ferguson & Sons LLC

Attachment A

	USDOT#	Legal: KELVIN D FERGUSON & SONS LLC	Review Date:
	00000000	Operating (DBA):	6/5/2025

Part A - General Information

MC/MX #:	State #: 8925552	Federal Tax ID:
Review Type: Safety Audit – New Entrant	Location of Review/Audit: Company Facility in the U. S.	
Scope: Entire Operation	Territory:	

Operation Types

	Interstate	Intrastate
Carrier:	Non-HM	N/A
Shipper:	N/A	N/A
Cargo Tank:	N/A	

Business: Corporation
Gross Revenue: \$0.00
for year ending: 3/7/2025

Company Physical Address:

24 Furance St Ext
 McKees Rocks, PA 15136, US

Contact Name:

Phone numbers: (1) 412-403-3173 (2) Fax
E-Mail Address: kdfandsonsmoving@gmail.com

Company Mailing Address:

100 Hafner Ave
 Pittsburgh, PA 15223, US

Carrier Classification

Other: PUC Carrier

Cargo Classification

Household Goods

Driver Information

	Interstate	Intrastate	Average trip leased drivers/month:	0
< 100 Miles:	3	0	Total Drivers:	3
>= 100 Miles:	0	0	CDL Drivers:	0

Equipment

	Owned	Term Leased	Trip Leased	Owned	Term Leased	Trip Leased
Truck	3	0	0			

Power units used in the U.S.: 3
Percentage of time used in the U.S.: 100





KELVIN D FERGUSON & SONS LLC
USDOT#: 00000000

Review Date:
6/5/2025

Part A

This is a safety fitness review for the PA Public Utilities Commission Questions for this safety fitness review should be directed to the Enforcement Manager James Murray (412) 423-9310

PA PUC Investigation & Enforcement
245 William Pitt Way
Pittsburgh PA 15238

This SAFETY AUDIT will be used to assess your safety compliance.

Person(s) Interviewed:

Name: Djuan Ferguson

Title: Owner

Safety Investigator Name: Balestra

Code: PUC18





Part B - Questions and Answers

An asterisk (*) beside an answer indicates an area of non-compliance by the motor carrier, and negatively affects the results of the audit.

<p>Question Factor 1. General Question #1 Section #387.7(a) Acute Does the carrier have the required minimum level of financial responsibility in effect (property carrier)?</p> <p>Comments PUC Carrier</p>	<p>Answer N/A</p>
<p>Question Factor 1. General Question #2 Section #387.7(d) Critical Does the carrier have required proof of financial responsibility (property carrier)?</p> <p>Comments PUC Carrier</p>	<p>Answer N/A</p>
<p>Question Factor 1. General Question #3 Section #387.31(a) Acute Does the carrier have the required minimum level of financial responsibility in effect (passenger carrier)?</p>	<p>Answer N/A</p>
<p>Question Factor 1. General Question #4 Section #387.31(d) Critical Does the carrier have required proof of financial responsibility (passenger carrier)?</p>	<p>Answer N/A</p>
<p>Question Factor 1. General Question #5 Section #13901 392.9a(a) Is the motor carrier authorized to conduct interstate operations in the United States?</p> <p>Comments PUC Carrier</p>	<p>Answer N/A</p>
<p>Question Factor 1. General Question #6 Section #390.15(b)(1) Can the carrier provide a complete accident register of recordable accidents for up to 3 years after each accident?</p> <p>Comments Carrier has no reportable accidents to date.</p>	<p>Answer N/A</p>
<p>Question Factor 1. General Question #7 Section #390.21 Does the carrier know the commercial motor vehicles marking requirements?</p>	<p>Answer Yes</p>
<p>Question Factor 2. Driver Question #1 Section #391.51(b)(1) Does the carrier maintain driver's application in accordance with 391.21?</p> <p>Comments Carrier is missing documents for his 3 drivers. Note: Carrier was in violation prior to this audit.</p>	<p>Answer Yes</p>
<p>Question Factor 2. Driver Question #2 Section #391.51(b)(2) Critical Does the carrier maintain a copy of the motor vehicle record received from each State pursuant to 391.23(a)(1)?</p> <p>Comments Carrier is missing documents for his 3 drivers. Note: Carrier was in violation prior to this audit.</p>	<p>Answer Yes</p>



<p>Question Factor 2. Driver Question #3 Section #391.51(b)(3)</p> <p>Does the carrier maintain the certificate of driver's road test pursuant to 391.31(e) or copy of the license accepted as equivalent to the driver's road test pursuant to 391.33?</p> <p>Comments</p> <p>Carrier is missing documents for his 3 drivers. Drivers do have valid class C non-CDL drivers license. Note: Carrier was in violation prior to this audit.</p>	<p>Answer</p> <p>Yes</p>
<p>Question Factor 2. Driver Question #4 Section #391.51(b)(4)</p> <p>Does the carrier maintain the motor vehicle record from each state driver licensing agency to the annual driver record inquiry required by 391.25(a)?</p> <p>Comments</p> <p>Carrier is missing documents for his 3 drivers. Note: Carrier was in violation prior to this audit.</p>	<p>Answer</p> <p>Yes</p>
<p>Question Factor 2. Driver Question #5 Section #391.51(b)(5)</p> <p>Does the carrier maintain the annual review of the driver's driving record as required by 391.25(c)(2) ?</p> <p>Comments</p> <p>Carrier is missing documents for his 3 drivers. Note: Carrier was in violation prior to this audit.</p>	<p>Answer</p> <p>Yes</p>
<p>Question Factor 2. Driver Question #6 Section #391.51(b)(6)</p> <p>Does the carrier maintain a list or certificate relating to violations of motor vehicle laws required by 391.27?</p> <p>Comments</p> <p>Carrier is missing documents for his 3 drivers. Note: Carrier was in violation prior to this audit.</p>	<p>Answer</p> <p>Yes</p>
<p>Question Factor 2. Driver Question #7 Section #391.51(b)(7) Critical</p> <p>Does the carrier maintain the medical examiner's certificate as required by 391.43(g)?</p> <p>Comments</p> <p>Carrier is missing documents for his 3 drivers. Note: Carrier was in violation prior to this audit.</p>	<p>Answer</p> <p>Yes</p>
<p>Question Factor 2. Driver Question #8 Section #391.51(b)(8)</p> <p>Does the carrier maintain a Skill Performance Evaluation Certificate (SPEC)?</p>	<p>Answer</p> <p>N/A</p>
<p>Question Factor 2. Driver Question #9 Section #391.53(a)</p> <p>Does the carrier maintain investigations into the driver safety performance history?</p> <p>Comments</p> <p>Carrier has ran background checks due to being HHG movers and required by PA 52 sec 32.134(a)</p>	<p>Answer</p> <p>Yes</p>
<p>Question Factor 2. Driver Question #10 Section #391.11(b)(4) Acute</p> <p>Is the carrier using physically qualified drivers?</p>	<p>Answer</p> <p>Yes</p>
<p>Question Factor 2. Driver Question #11 Section #391.15(a) Acute</p> <p>Is the carrier using any disqualified drivers?</p>	<p>Answer</p> <p>No</p>
<p>Question Factor 2. Driver Question #12 Section #382.115(a), 382.115(b) Acute</p> <p>Has the carrier implemented an alcohol and/or controlled substances testing program?</p>	<p>Answer</p> <p>N/A</p>
<p>Question Factor 2. Driver Question #13 Section #382.213(b) Acute</p> <p>Has the carrier used drivers who have used controlled substances?</p>	<p>Answer</p> <p>N/A</p>



Question Factor 2. Driver Question #14 Section #382.215 Acute Has the carrier used a driver who has tested positive or has adulterated or substituted a test specimen for a controlled substance?	Answer N/A
Question Factor 2. Driver Question #15 Section #382.201 Acute Has the carrier used a driver known to have an alcohol concentration of 0.04 or greater?	Answer N/A
Question Factor 2. Driver Question #16 Section #382.505(a) Acute Has the carrier used a driver found to have an alcohol concentration of .02 or greater but less than .04 within 24 hours of being tested?	Answer N/A
Question Factor 2. Driver Question #17 Section #382.301(a) Critical Has the carrier ensured that drivers have undergone testing for controlled substances prior to performing a safety sensitive function?	Answer N/A
Question Factor 2. Driver Question #18 Section #382.303(a) Critical Has the carrier conducted post accident testing on drivers for alcohol?	Answer N/A
Question Factor 2. Driver Question #19 Section #382.303(b) Critical Has the carrier conducted post accident testing on drivers for controlled substances?	Answer N/A
Question Factor 2. Driver Question #20 Section #382.305 Acute Has the carrier implemented random testing program?	Answer N/A
Question Factor 2. Driver Question #21 Section #382.305(b)(1) Critical Has the carrier conducted random alcohol testing at an annual rate of not less than the applicable annual rate or prorated rate of the average number of driver positions?	Answer N/A
Question Factor 2. Driver Question #22 Section #382.305(b)(2) Critical Has the carrier conducted controlled substance testing at the applicable prorated rate of not less than the applicable annual rate of the average number of driver positions?	Answer N/A
Question Factor 2. Driver Question #23 Section #40.305(a) Has the carrier conducted the required return-to-duty tests on employees returning to safety-sensitive functions?	Answer N/A
Question Factor 2. Driver Question #24 Section #40.309(a) Is the carrier conducting follow-up testing as directed by the Substance Abuse Professional?	Answer N/A
Question Factor 2. Driver Question #25 Section #382.211 Acute Has the carrier used a driver who has refused to submit to an alcohol or controlled substances test required under Part 382?	Answer N/A
Question Factor 2. Driver Question #26 Section #382.503 Critical Has the carrier used a Substance Abuse Professional as required by 49 CFR Part 40 Subpart O?	Answer N/A
Question Factor 2. Driver Question #27 Section #382.601 Does the carrier have a copy of a complete alcohol and drug testing policy?	Answer N/A
Question Factor 2. Driver Question #28 Section #382.603 Does the carrier have evidence that all designated supervisors have received the required Reasonable Suspicion Supervisor Training?	Answer N/A



Question Factor 2. Driver Question #29 Section #383.23(a) Critical Has a driver operated a commercial motor vehicle without a current operating license, or a license, which hasn't been properly classed and endorsed?	Answer N/A
Question Factor 2. Driver Question #30 Section #383.37(b) Acute Has the motor carrier knowingly allowed it's drivers who's CDLs have been suspended, revoked or canceled by a state, have lost the right to operate a CMV in a State, or have been disqualified from operating a CMV to operate a commercial motor vehicle?	Answer N/A
Question Factor 2. Driver Question #31 Section #383.51(a) Acute Has the motor carrier knowingly allowed, required, permitted, or authorized a driver to drive who is disqualified to drive a commercial motor vehicle?	Answer N/A
Question Factor 3. Operation Question #1 Section #395.1(e)(1), 395.1(e)(2) Does the carrier have a system for recording hours of duty status on 100/150- mile radius drivers, and are they properly utilizing the 100/150 air-mile radius exemption?	Answer Yes
Question Factor 3. Operation Question #2 Section #395.8(a) Critical Does the carrier require drivers to make a record of duty status using the required method?	Answer Yes
Question Factor 3. Operation Question #3 Section #395.8(i) Critical Does the carrier require drivers to submit records of duty status within 13 days?	Answer Yes
Question Factor 3. Operation Question #4 Section #395.8(k)(1) Critical Can the carrier produce records of duty status and supporting documents for selected drivers?	Answer Yes
Question Factor 3. Operation Question #5 Section #395.3(a)(1) Critical Has the carrier allowed driver(s) to exceed the 11-hour rule? (Property)	Answer No
Question Factor 3. Operation Question #6 Section #395.3(a)(2) Critical Has the carrier allowed driver(s) to exceed the 14-hour rule? (Property)	Answer No
Question Factor 3. Operation Question #7 Section #395.3(b)(1) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 60 hours in 7 consecutive days? (Property)	Answer No
Question Factor 3. Operation Question #8 Section #395.3(b)(2) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 70 hours in 8 consecutive days? (Property)	Answer No
Question Factor 3. Operation Question #9 Section #395.5(a)(1) Critical Has the carrier allowed driver(s) to exceed the 10 hour rule? (Passenger)	Answer N/A
Question Factor 3. Operation Question #10 Section #395.5(a)(2) Critical Has the carrier allowed driver(s) to exceed the 15 hour rule? (Passenger)	Answer N/A
Question Factor 3. Operation Question #11 Section #395.5(b)(1) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 60 hours in 7 consecutive days? (Passenger)	Answer N/A
Question Factor 3. Operation Question #12 Section #395.5(b)(2) Critical Has the carrier allowed driver(s) to drive after having been on duty more than 70 hours in 8 consecutive days? (Passenger)	Answer N/A



Question Factor 3. Operation Question #13 Section #395.8(e) Critical Does available evidence indicate a selected driver has prepared a false record of duty status?	Answer No
Question Factor 3. Operation Question #14 Section #392.2 Critical Does the motor carrier ensure that drivers operate commercial motor vehicles in accordance with the laws, ordinances, and regulations of the jurisdictions in which they are operating? Comments Carrier has conducted background checks on drivers IAW PA 52 Sec 34.134(a)	Answer Yes
Question Factor 3. Operation Question #15 Section #392.9(a)(1) Critical Does the carrier ensure that drivers are not permitted to drive a vehicle without the cargo properly distributed and adequately secured?	Answer Yes
Question Factor 3. Operation Question #16 Section #392.4(b) Acute Have any drivers operated a commercial motor vehicle while under the influence of, or in possession of, narcotic drugs, amphetamines, or any other substances capable of rendering the drivers incapable of safely operating motor vehicles?	Answer No
Question Factor 3. Operation Question #17 Section #392.5(b)(1) Acute Have any drivers operated a commercial motor vehicle while under the influence of, or in possession of, intoxicating beverages?	Answer No
Question Factor 3. Operation Question #18 Section #392.5(b)(2) Acute Have any drivers operated a commercial motor vehicle within 4 hours of having consumed intoxicating beverages?	Answer No
Question Factor 3. Operation Question #19 Section #392.80(b)/ 392.82 Have any drivers operated a commercial motor vehicle while engaged in texting or using a handheld mobile device?	Answer No
Question Factor 4. Maintenance Question #1 Section #396.3(b) Critical Can the carrier produce complete maintenance files for requested vehicle(s)?	Answer Yes
Question Factor 4. Maintenance Question #2 Section #396.17(a) Critical Does the motor carrier conduct periodic (annual) inspections for selected vehicles?	Answer Yes
Question Factor 4. Maintenance Question #3 Section #396.19 Is the carrier using qualified inspectors (mechanic) and maintaining evidence of the inspector's qualifications?	Answer Yes
Question Factor 4. Maintenance Question #4 Section #396.21(b)(1) Can the motor carrier produce evidence of periodic (annual) inspections for selected vehicles?	Answer Yes
Question Factor 4. Maintenance Question #5 Section #396.11(a) Critical Does the motor carrier require drivers to complete vehicle inspection reports daily?	Answer Yes
Question Factor 4. Maintenance Question #6 Section #396.11(c) Acute Does the carrier ensure that out-of-service defects listed by the driver in the driver vehicle inspection reports are corrected before the vehicle is operated again?	Answer Yes
Question Factor 4. Maintenance Question #7 Section #396.9(c)(2) Acute Does the carrier ensure vehicles that have been declared "out-of-service" do not operate before repairs have been made?	Answer Yes



Question Factor 4. Maintenance Question #8 Section #396.3 Can the carrier explain its systematic, periodic maintenance program?	Answer Yes
Question Factor 7. Other Question #1 Section #375.211 Does the carrier participate in an Arbitration Program?	Answer No *
Additional Documents Required None	
Comments Carrier does not have an arbitration program in place.	
Question Factor 7. Other Question #2 Section #13702 Does the carrier assess shipper freight charges based upon published tariffs?	Answer Yes
Question Factor 7. Other Question #3 Section #375.401(c) Does the carrier provide reasonably accurate estimates of moving charges?	Answer Yes
Question Factor 7. Other Question #4 Section #375.407(a), 375.703(b) Has the carrier avoided "hostage freight" or other predatory practices?	Answer Yes
Question Factor 7. Other Question #5 Section #387.301(a), 387.301(b) Does the HHG carrier have sufficient levels of public liability and cargo insurance?	Answer Yes
Question Factor 7. Other Question #6 Section #375.215 Does the carrier have a published tariff and is the motor carrier charging the applicable rate (375.215).	Answer Yes
Question Factor 7. Other Question #7 Section #375.213 Can the motor carrier identify the five documents required to be given to a prospective individual shipper prior to executing an order for service?	Answer Yes
Question Factor 7. Other Question #8 Section #49 CFR 37 subpart H Does the carrier have the means to provide accessible over-the-road bus (OTRB) service on a 48-hour advance notice basis by its owned or leased OTRBs?	Answer N/A
Question Factor 7. Other Question #9 Section #49 CFR 37 subpart H If the carrier does not have the means then does the carrier have an arrangement with another carrier that operates accessible OTRBs?	Answer N/A
Question Factor 7. Other Question #10 Section #Motorcoach Safety Action Plan Does the over-the-road bus company own or lease a facility for inspection, repair, and maintenance of its vehicles?	Answer N/A
Question Factor 7. Other Question #11 Section #Motorcoach Safety Action Plan Does the over-the-road bus company have an arrangement or contract for systematic inspection, repair, and maintenance of its vehicles?	Answer N/A

Note: No Hazardous Materials questions were asked because the carrier does not carry Hazardous Materials in Interstate Commerce.



KELVIN D FERGUSON & SONS LLC
USDOT#: 00000000

Review Date:
6/5/2025

Part B Requirements and/or Recommendations

1. You will receive written notice of the result of this review via mail from the PA Public Utility Commission Bureau of Transportation & Safety Motor Carrier Enforcement & Services.
2. **NOTICE:** You must submit a written Corrective Action Letter to the Address shown below **WITHIN 15 DAYS** of this Safety Fitness Review. This letter must address the action taken to correct any deficiencies that are identified on the Safety Audit Report by an Asterisk (*) next to the answer to a question.

Please include your carrier's name and PUC number.

Failure to submit the Corrective Action Letter could result in Suspension or Cancellation of your Operating Authority.

Submit your letter to:
PA. Public Utility Commission
Motor Carrier Enforcement
245 William Pitt Way
Pittsburgh PA 15238
or email to:
RA-PC-WROMANAGER@pa.gov

3. A completed Educational and Technical Assistance package entitled "The Motor Carrier Safety Planner" is available free on the FMCSA website to assist you in complying with the safety regulations. It contains forms and documents to help you improve the safety of your operations. View the guide online at:
<https://csa.fmcsa.dot.gov/safetyplanner/>

