

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

Public Meeting held August 14, 2025

Commissioners Present:

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

Application of Helping Hands Warming
Hearts Transportation, LLC

A-2025-3054682

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Reconsideration from Staff Action (Petition) filed on June 11, 2025, by Mr. Christopher P. Fiore, Counsel for Helping Hands Warming Hearts Transportation, LLC (Applicant or Helping Hands), relative to the above-captioned proceeding. The Secretarial Letter to which the Petition refers was issued on May 28, 2025 (*May 2025 Secretarial Letter*).¹ No Answer to the Petition has been filed.

¹ Because the instant Petition challenges the action taken in the *May 2025 Secretarial Letter* and was filed within twenty days of the issuance of the Secretarial Letter, we shall regard the Petition as a Petition for Reconsideration from Staff Action pursuant to 52 Pa. Code § 5.44(a).

For the reasons set forth herein, we shall grant the Petition, conditionally rescind the *May 2025 Secretarial Letter*, and refer this matter to the Commission's Bureau of Technical Utility Services (TUS) for such further action as may be deemed necessary, consistent with this Opinion and Order.

I. History of the Proceeding

On April 22, 2025, Helping Hands filed the instant Application with the Commission seeking to expand its service territory to operate as a motor common carrier of persons in paratransit service within the Commonwealth of Pennsylvania.² More specifically, the Applicant sought authority to expand its service territory to provide paratransit services to persons in Berks, Bucks, Chester, and Delaware Counties and return. Application at 3.

On April 23, 2025, the Commission issued a Data Request (*April 2025 Data Request*), in which it requested: (1) Helping Hands' hiring standards for drivers; (2) the Applicant's system for conducting background checks for drivers and retention policies; (3) details regarding the Applicant's driver training programs; (4) Helping Hands' system for conducting driver license and history checks; (5) the Applicant's protocol on alcohol and drug use by your drivers; and (6) a statement of financial positions. *April 2025 Data Request* at 3-4.

To further assist the Commission in determining the Applicant's financial fitness and in verifying the accuracy of the Applicant's presented balance sheet, TUS instructed the Applicant to provide a copy of a bank statement and

² The Applicant currently holds a Certificate of Public Convenience to Provide Paratransit Service to Persons in Philadelphia and Montgomery counties, and return. *See Re: Application of Helping Hands Warming Hearts Transportation LLC*, Docket No. A-2022-3032252 (Final Order entered February 7, 2023).

notarized/official statements of account balances/ownership provided by bank officers. TUS also informed the Applicant that all claimed vehicles or land/buildings must also include proof of ownership/registration. *April 2025 Data Request* at 2.

No response to TUS's *April 2025 Data Request* was received.

On May 28, 2025, the Commission issued the *May 2025 Secretarial Letter*, wherein it denied and dismissed the Application of Helping Hands for failure of the Applicant to file required information with the Commission. In pertinent part, the *May 2025 Secretarial Letter* stated, as follows:

The purpose of this Letter is to advise you that your application for **Paratransit** authority at Docket No. A-2025-3054038 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 File Required Information.** A letter dated April 23, 2025, was sent informing you that the Pennsylvania Public Utility Commission required additional information in order to complete the processing of **Helping Hands Warming Hearts Transportation LLC**'s application for authority. The letter informed you that failure to submit the required information within ten days would result in dismissal of the application. To date, more than thirty days later, you have not adequately complied with all aspects of that request.

For this reason(s) the application is **DENIED** and **DISMISSED**.

May 2025 Secretarial Letter at 1 (emphasis in original).

In addition, the *May 2025 Secretarial Letter* stated that if Helping Hands did not agree with the Commission's determination, then it was permitted to file a Petition for Reconsideration from Staff Action with the Commission's Secretary within twenty (20) days of the date of the *May 2025 Secretarial Letter*. TUS outlined instructions regarding the form and content of such a Petition, including references to the inclusion of relevant documentation and verification with an original signature, as set forth in 52 Pa. Code §§ 1.31 and 5.44. Further, TUS provided the Applicant with a sample verification statement. *May 2025 Secretarial Letter* at 2.

On June 11, 2025, Helping Hands filed the instant Petition. No Answer to the Petition has been filed.

On June 13, 2025, Christopher P. Fiore, Esquire filed a Notice of Appearance in this matter.

II. Discussion

A. Legal Standards

Before us is a Petition for Reconsideration from Staff Action, pursuant to 52 Pa. Code § 5.44(a). Petitions for Reconsideration from Staff Action are governed by the Commission's Rules of Administrative Practice and Procedure at 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 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(a).

In considering the appeal from Staff Action, the Application and compliance with Commission Regulations, Section 332(a) of the Public Utility Code (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, the Applicant is the party seeking affirmative relief from the Commission. Therefore, the Applicant 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 (Opinion and Order entered November 5, 2015) (citing *Se-Ling Hosiery, Inc. v. Margulies*, 364 Pa. 45, 70 A.2d 854 (1950))

In *Se-Ling Hosiery v. Margulies, supra*, 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. *Application of 610 Hauling, LLC, t/a College Hunks Hauling Junk, supra*, (citing *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).

In order to make the determination whether granting a certificate is necessary or proper for the service, accommodation, convenience or safety of the public, the Commission's Regulations, at 52 Pa. Code §§ 3.381-85, and the Commission's Policy Statement, at 52 Pa. Code § 41.14, establish the evidentiary guidelines and criteria to be examined by the Commission when considering whether to grant or deny an application for authority.

The Commission's Policy Statement at 52 Pa. Code § 41.14 provides as follows:

§ 41.14. Evidentiary criteria used to decide motor common carrier applications – statement of policy.

An applicant seeking motor common carrier authority has the burden of demonstrating that it possesses the technical and financial ability to provide the proposed service. In addition, authority may be withheld if the record demonstrates that the applicant lacks a propensity to operate safely and legally. In evaluating whether a motor carrier applicant can satisfy these fitness standards, the Commission will ordinarily examine the following factors, when applicable:

- (1) Whether an applicant has sufficient capital, equipment, facilities and other resources necessary to serve the territory request.
- (2) Whether an applicant and its employees have sufficient technical expertise and experience to serve the territory requested.
- (3) Whether an applicant has or is able to secure sufficient and continuous insurance coverage for all vehicles to be used or useful in the provision of service to the public.
- (4) Whether an applicant has an appropriate plan to comply with the Commission's driver and vehicle

safety regulations and service standards in Chapter 29 (relating to motor carriers of passengers).

(5) An applicant's record, if any, of compliance with 66 Pa. C.S. (relating to Public Utility Code), this title and the Commission's orders.

(6) Whether an applicant or its drivers have been convicted of a felony crime of moral turpitude and remains subject to supervision by a court or correctional institution.

52 Pa. Code § 41.14.³

Finally, pursuant to Section 1103(a) of the Code, 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.”

B. Petition

In its Petition, counsel for Helping Hands purports that: (1) Christopher P. Fiore of Fiore & Barger, LLC was listed as Helping Hand's attorney of records; (2) TUS's *April 2025 Data Request* and the *May 2025 Secretarial Letter* were sent to counsel's address, but that “on or about July 1, 2024, Fiore & Barber, LLC moved from its offices at 418 Main Street, Harleysville, PA 19438 to a temporary new location, as a

³ By Final Policy Statement, entered December 7, 2017, at Docket No. M-2017-2629722, the Commission modified the Policy Statement at 52 Pa. Code § 41.14 by eliminating prior subsections (a) and (c) to be consistent with the amended Regulations in the Final Rulemaking Order. The Final Policy Statement maintained the language of prior subsection (b), which delineates the factors to be considered and examined in determining an applicant's technical and financial fitness. The Final Policy Statement became effective upon publication in the *Pennsylvania Bulletin* on February 10, 2018, at 48 *Pa.B.* 882.

result of renovation being performed at its offices; (3) TUS's *April 2025 Data Request* was never delivered to or received by Fiore & Barger, LLC; (4) the denial and dismissal of Helping Hands' Application in large part was due to the failure of Helping Hands' counsel, Fiore & Barber, LLC, to provide the necessary verification and failure to include the Requested Information; and, (5) Helping Hands would be unfairly prejudiced if its requested relief is not granted. Counsel notes that it has attached several documents to its Petition, which it asserts, provide full and complete responses to the information sought in the *April 2025 Data Request*.⁴ Petition at 2.

C. Disposition

In considering the Petition, we note that any issue not specifically addressed shall be deemed duly considered and denied without further discussion. It is well settled that we are 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); *see also, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

⁴ Helping Hands, through its counsel, marked each of these documents as "Confidential." We note that pursuant to our Regulations at 52 Pa. Code § 5.365, a party seeking to protect a trade secret or other confidential information from disclosure on the public record must seek a Petition for Protective Order. A Petition for Protective Order will be granted only when a party demonstrates that the potential harm to the party of providing the information would be substantial and that the harm to the party if the information is disclosed without restriction outweighs the public's interest in free and open access to the administrative hearing process. In this case, we note the uncontested nature of Helping Hands' Application. We further note that the information that Helping Hands has marked as "Confidential" is the type of information that Commission staff generally seeks in its review of motor carrier applications, and which is filed by applicants seeking a certificate of public convenience to operate as a motor carrier within the Commonwealth of Pennsylvania. Such information is not afforded confidential treatment in the ordinary course of business and will not be afforded such treatment in this proceeding.

Based on our review of the Applicant counsel's Petition and the associated case documents, we will grant the Petition and rescind the *May 2025 Secretarial Letter*. In the Petition, counsel for the Applicant submits that the reason that Helping Hands failed to respond to the *April 2025 Data Request* was that counsel had temporarily moved its law offices to a new location. As such, counsel represents that it did not receive the *April 2025 Data Request* at this temporary location. Petition at 2.⁵ The record indicates that TUS mailed both the *April 2025 Data Request* and the *May 2025 Secretarial Letter* to 418 Main Street, Harleysville, PA 19438. This is the address for Helping Hands' counsel, Fiore & Barber, LLC, that was provided in the Application filed on April 22, 2025. See Application at 7, Attachment. Although, the temporary move of Helping Hands' counsel occurred prior to the filing of the Application, the Applicant had inadvertently provided the counsel's old address. In light of this inadvertent oversight, we shall provide the Applicant with another opportunity to comply with the *April 2025 Data Request*.

Counsel has further asserted that the documents it attached to its Petition provide full and complete responses to the information sought by TUS in the *April 2025 Data Request*. In our view, this demonstrates the Applicant's desire to comply with both the application process and the *April 2025 Data Request*.⁶

We note that Pursuant to Section 1.2 of the Regulations, 52 Pa. Code §§ 1.2 (a)-(b), the Commission may exercise its discretion to overlook an error of

⁵ As noted above, in the Petition, counsel for the Applicant represents that, for this same reason, Helping Hands did not initially receive the *May 2025 Secretarial Letter*. Petition at 2.

⁶ As previously noted, Helping Hands, through its counsel, has marked each of these documents as "Confidential." However, as the Applicant did not seek the requisite protective order, and these are the type of documents sought by the Commission Staff in the review of applications to operate as a motor carrier in the Commonwealth of Pennsylvania, we shall not afford these documents confidential treatment.

procedure where necessary to secure the efficient resolution of a matter, so long as the substantive rights of other parties are not adversely affected. Under the circumstances of the instant case, rather than deny the Application, we deem it is reasonable to extend the Application deadline for review of Helping Hands's Application, consistent with this Opinion and Order. *See Application of Woodrow Cothran, Jr., t/a Moving Others Around Safely*, Docket No. A -2019-3011840 (Opinion and Order entered April 30, 2020).

Based on the foregoing considerations, we find that the Applicant has met its burden of proof for granting the Petition. Upon completion of this review, we conclude that reconsideration of the Application is warranted. Moreover, given the procedural posture and history of this Application, referring this matter to TUS would be a more efficient use of the Commission's and the Applicant's resources at this stage. Accordingly, pursuant to 52 Pa. Code § 1.2, we will grant the Petition and refer the matter to TUS, for such further action as deemed warranted, consistent with this Opinion and Order.

As noted previously, the Commission takes no position on the merits of Helping Hands's Application and solely notes that it is appropriate to refer this matter to TUS based on the representation made by the Applicant. Accordingly, we shall: (1) grant the Petition, consistent with this Opinion and Order; (2) conditionally rescind the *May 2025 Secretarial Letter*; and, (3) refer the Application to TUS for such further proceedings as may be warranted, consistent with this Opinion and Order.

We encourage that this matter, and any impediments or deficiencies with the Application, be resolved in a cooperative and expeditious manner to ensure that the Applicant and its Application are compliant with applicable law as well as Commission Regulations and Orders.

III. Conclusion

For the reasons discussed herein, we will grant the Petition, conditionally rescind the *May 2025 Secretarial Letter*, and refer this matter to TUS for such further action as may be warranted, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Petition for Reconsideration from Staff Action filed by Helping Hands Warming Hearts Transportation, LLC on June 11, 2025, at Docket No. A-2025-3054682 is granted, consistent with this Opinion and Order.
2. That the Secretarial Letter issued on May 28, 2025, at Docket No. A-2025-3054682 is rescinded, contingent upon Helping Hands Warming Hearts Transportation, LLC providing the required information, as set forth in this Opinion and Order, within thirty (30) days of the entry date of this Opinion and Order.
3. That the Application of Helping Hands Warming Hearts Transportation, LLC at Docket No. A-2025-3054682 is referred to the Commission's Bureau of Technical Utility Services for such further action as may be deemed necessary, consistent with this Opinion and Order.

4. That should Helping Hands Warming Hearts Transportation, LLC not respond within thirty (30) days of the entry date of this Opinion and Order, as set forth in Ordering Paragraph No. 2 above, the Secretarial Letter issued on May 28, 2025, at Docket No. A-2025-3054682, will be the final action in this matter, and this case will be marked closed.

BY THE COMMISSION,



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: August 14, 2025

ORDER ENTERED: August 14, 2025