

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

Public Meeting held September 25, 2025

Commissioners Present:

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

Application of Golden Beryl Group LLC-GB Logistics
t/a Let's Get Moving Chester County

A-2025-3056128

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 (Petition), filed on July 16, 2025, by Humberto Muentes, Franchising Pipeline Manager on behalf of Golden Beryl Group LLC-GB Logistics t/a Let's Get Moving Chester County (Let's Get Moving or Applicant), relative to the above captioned proceeding. The Secretarial Letter to which the Petition refers was issued to Let's Get Moving on July 11, 2025 (*July 2025 Secretarial Letter*).¹

¹ Because the instant Petition challenges the action taken in the *July 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).

No Answer to the Petition has been filed. For the reasons set forth herein, we will grant Let's Get Moving's Petition, conditionally rescind the *July 2025 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 June 25, 2025, Let's Get Moving filed an Application for authority to operate as a Motor Common Carrier or Motor Contract Carrier of Household Goods in Use between points in the Commonwealth of Pennsylvania. Application at 3.

On July 11, 2025, the Commission issued a Secretarial Letter (*July 2025 Secretarial Letter*), wherein it denied and dismissed the Application of Let's Get Moving for failure of the Applicant to provide evidence of a minimum of two-years' experience working with a licensed household goods carrier, or the equivalent, as required by Code (52 Pa. Code §3.381(c)(1)(iii)(A)(II)(-1-)). *July 2025 Secretarial Letter* at 1.

Additionally, the *July 2025 Secretarial Letter* informed Let's Get Moving that, if it disagreed with the Commission's determination, it could submit a Petition for Reconsideration from Staff Action with the Commission's Secretary within twenty (20) days of the date of the *July 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.

On July 16, 2025, Let's Get Moving filed the instant Petition.

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)(*Se-Ling Hosiery*))

In *Se-Ling Hosiery, 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*, 413 A.2d 1037 (Pa. 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 § 41.14.²

² 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.

Finally, 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.”

B. Petition

Let’s Get Moving asserts that its Petition “is provided as evidence of relevant industry experience in support of the [Application] under 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-I-).” In this regard, the Petitioner contends that: (1) it has over thirteen years of experience in the moving industry with operations across the United States and Canada; (2) over the years, its service has grown to become a recognized and trusted name in residential and commercial relocation, offering a wide range of professional moving and storage services; (3) its service includes packing, transportation, storage, long-distance moves, and specialized logistics; and (4) it is currently working with Mr. Eric Kwedjo Baah Ahenkorah and Mr. Bernard Sampson, who will be operating as a franchisee under the “Let’s Get Moving” brand. The Applicant asserts that the background of its personnel and continued operational support will provide the necessary fitness, knowledge, and experience required to lawfully and competently operate as a certificated household goods carrier in the Commonwealth of Pennsylvania. Petition at 1.

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).

Based on our review of the Applicant's Petition and the associated case documents, we will grant the Petition and conditionally rescind the *July 2025 Secretarial Letter*. As discussed below, we are of the opinion that the Petitioner has met the standard for reconsideration by raising additional information, which we find warrants further consideration before rendering a final determination on the Application.

As previously discussed, according to the *July 2025 Secretarial Letter*, Let's Get Moving's Application was denied because the Applicant failed to demonstrate adequate evidence of fitness to operate. Specifically, the *July 2025 Secretarial Letter* found that the Applicant failed to provide evidence of the required two years of experience working with a licensed household goods carrier, or the equivalent, in accordance with the Commission's Regulation at 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-1-). *July 2025 Secretarial Letter* at 1.

In its Petition, the Applicant attempts to correct the deficiency outlined in the *July 2025 Secretarial Letter*. Namely, Let's Go Moving attempts to provide an additional explanation of its prior work experience with a licensed household goods carrier. The Applicant represents that it has over thirteen years of experience in the moving industry, with operations across the United States and Canada. The Applicant also states that "we guide our franchise partners through every aspect of running a moving company, from logistics and dispatching to compliance, safety, and customer service." The Applicant further represents that it is currently working with Mr. Ahenkorah and Mr. Sampson, who will be operating as a franchisee under the "Let's Get Moving" brand. The Applicant insists that "through this partnership, the franchisee will benefit from our established operational infrastructure, training systems,

and industry know-how, ensuring compliance with all relevant state and federal requirements, including those outlined in 52 Pa. Code § 3.381.” Petition at 1.

On review, we note that the Applicant has not identified the person or persons at Let’s Get Moving whom it claims has the necessary work experience of at least two years with a licensed household goods carrier. Further, the Applicant has provided no information in either the Application or its Petition regarding the work experience of either Mr. Ahenkorah or Mr. Sampson whom, it represents, will be operating as a franchisee under the Applicant’s brand. As such, we are unable, at this time, to determine whether the Applicant and its purported franchisee satisfy the requirements set forth in our Regulations at 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-1-).

Nonetheless, in light of the Applicant’s attempt to correct the deficiency outlined in the *July 2025 Secretarial Letter*, we conclude that, under the circumstances in this case, it is appropriate and reasonable to rescind the *July 2025 Secretarial Letter* and refer this matter to TUS for consideration and such further action as may be warranted, given TUS’ expertise in reviewing motor carrier applications for authority. Accordingly, we shall refer this matter to TUS to continue processing the Application and allow Let’s Get Moving an additional thirty (30) days in which to provide the required information. In our view, such referral will provide TUS the opportunity to seek further documentation and evidence from Let’s Get Moving, as needed, to review and make an informed determination on this issue.

While we shall conditionally rescind the *July 2025 Secretarial Letter*, we also emphasize to Let’s Get Moving that it should endeavor to provide *all* information sought by TUS regarding the Applicant’s ability to provide the proposed services, in order to facilitate the ability of TUS to perform an exhaustive review of the Application. Failure of the Applicant to provide such information may result in the *outright, and final*, denial of the Application.

III. Conclusion

For the reasons discussed herein, we will: (1) grant the Petition; (2) *conditionally* rescind the *July 2025 Secretarial Letter*; and (3) refer this matter to TUS for such further action as may be deemed warranted, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Petition for Reconsideration from Staff Action, filed by Golden Beryl Group LLC-GB Logistics t/a Let's Get Moving Chester County on July 16, 2025, at Docket No. A-2025-3056128 is granted, consistent with this Opinion and Order.

2. That the Secretarial Letter issued on July 11, 2025, at Docket No. A-2025-3056128, is conditionally rescinded, contingent upon Golden Beryl Group LLC-GB Logistics t/a Let's Get Moving Chester County responding with the required information within thirty (30) days of the entry of this Opinion and Order.

3. That this matter, at Docket No. A-2025-3056128 be 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 Golden Beryl Group LLC-GB Logistics t/a Let's Get Moving Chester County fail to respond to the inquiries of the Commission's Bureau of Technical Utility Services within thirty (30) days of the entry date of this Opinion and Order, the Commission's Secretarial Letter issued on July 16, 2025 will be deemed the final action in this matter, and this case will be closed.

BY THE COMMISSION,



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: September 25, 2025

ORDER ENTERED: September 25, 2025