

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

Public Meeting held October 9, 2025

Commissioners Present:

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

Application of Fellowship Supports
Coordination Agency, Inc.

A-2025-3054544
A-6427894

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 by Fellowship Supports Coordination Agency, Inc. (Applicant or Fellowship), on August 29, 2025, relative to the above-captioned proceeding. The Secretarial Letter to which the Petition refers was issued on August 26, 2025 (*August 2025 Secretarial Letter*).¹ No Answer to the Petition has been filed. For the reasons set forth herein, we shall grant the Petition, conditionally rescind the *August 2025*

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

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 10, 2025, Fellowship filed an Application for Motor Common Carrier of Persons in Paratransit Service (Application) with the Commission.² Application at 1. In its Application, Fellowship stated, as follows:

We only intend to transport individuals for non-emergency medical paratransit purposes. Our service will focus exclusively on assisting individuals in getting to and from their medical appointments in a timely and reliable manner.

b. By “Philadelphia area,” we define our service territory as follows:

- We intend to provide transportation **from points within the City and County of Philadelphia to points within the Commonwealth of Pennsylvania**, and return.
- This includes transportation originating in Philadelphia and terminating in surrounding counties such as **Montgomery, Bucks, Chester, and Delaware and Berks Counties**.
- Our defined service area will cover the greater Philadelphia metropolitan area, ensuring that all starting and ending points are clearly identifiable on a map and within the state of Pennsylvania.

Id. at 3, Attachment at 1. No Protests to the Application were filed.

² We note that the Verification of Application and the Verification of Statement included in Fellowship’s Application was signed by Desale B. Keleta, identified as the owner and President/CEO of Fellowship. Application at 4, 7.

On April 16, 2025, TUS issued a data request to Fellowship (Data Request), wherein it requested additional information from the Applicant pertaining to its system for conducting criminal background checks. Data Request at 3. On April 18, 2025, Fellowship provided information in response to the Data Request.

In follow-up, TUS issued another Data Request on April 21, 2025 (Second Data Request), seeking further information pertaining to the conduct of criminal background checks and indicating that the Applicant's proposed policy be revised to comply with the applicable Regulations. On April 21, 2025, Fellowship provided information in response to the Second Data Request.

On June 17, 2025, TUS issued a Secretarial Letter (*June 2025 Secretarial Letter*) advising Fellowship that its Application has been reviewed and approved by the Commission, subject to the submission of additional information and the approval of such submissions. Specifically, the *June 2025 Secretarial Letter* required Fellowship to submit the following to the Commission: (a) an acceptable Form E filed by an insurance company which is evidence of bodily injury and property damage liability insurance; and (b) a tariff draft. The *June 2025 Secretarial Letter* stated that the additional information must be received within sixty days of the date of the letter and that the failure to comply with the requirements will result in the dismissal of the Application. *June 2025 Secretarial Letter* at 1-2.

On August 13, 2025, the required Form E showing certification of insurance for bodily injury and property damage liability coverage was filed with the Commission.

Thereafter, there was email correspondence pertaining to the tariff submission requirements set forth in the *June 2025 Secretarial Letter*. On August 14, 2025, the Applicant submitted by email a draft tariff to TUS. In response,

on August 15, 2025, TUS sent an email to Fellowship (*August 15, 2025 TUS email*) stating the following:

According to your vehicle list, you have a Highlander, which is obviously NOT wheelchair accessible.

The tariff can only state what is available for you to offer.

You cannot list Wheelchair accessible in regard to this vehicle.

Will you have different rates for Ambulatory and Wheelchair clientele?

Does your other vehicle have a Wheelchair accessible ramp or lift?

It is very important that you very clearly understand what your tariff states, and that you can provide all services for which you are certificated.

Please explain[.]

August 15, 2025 TUS email at 1.

On August 26, 2025, TUS sent another email to Fellowship (*August 26, 2025 TUS email*) stating “RESPONSE REQUIRED” and that a “dismissal of your case for noncompliance has been generated. It is important for you to get the TARIFF completed. Please advise ASAP. As of today, there is no response to the email below.” TUS also included the prior *August 15, 2025 TUS email*, pertaining to the tariff questions.

On August 26, 2025, the Applicant sent an email in response to the *August 26, 2025 TUS email* apologizing for the late response and stating that Fellowship has been doing research to accurately determine what tariffs to charge to be profitable since the original tariff template was rejected. Additionally, the Applicant stated: “I will

send you the new tariff template tomorrow, I am currently out in field today. Thank you, Desale B. Keleta[.]”

Also, on August 26, 2025, the Commission issued the *August 2025 Secretarial Letter* dismissing the Application. In pertinent part, the *August 2025 Secretarial Letter* stated that Fellowship failed to file a tariff establishing just and reasonable rates. *August 2025 Secretarial Letter* at 1.

Additionally, the *August 2025 Secretarial Letter* informed the Applicant that, if it disagreed with the Commission’s determination, then it could submit a Petition for Reconsideration from Staff Action with the Commission’s Secretary within twenty (20) days of the date of the *August 2025 Secretarial Letter*, pursuant to 52 Pa. Code §§ 1.31 and 5.44. *August 2025 Secretarial Letter* at 2.

As stated previously, on August 29, 2025, Fellowship timely filed the instant Petition. No response to the Petition has been filed.

II. Discussion

A. Legal Standards

Before us is a Petition for Reconsideration from Staff Action, pursuant to 52 Pa. Code § 5.44(a), which provides as follows:

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).

Courts have held that “[a] litigant’s burden before administrative tribunals as well as before most civil proceedings is satisfied by establishing a preponderance of the evidence which is substantial and legally credible.” *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990). Additionally, 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, Fellowship is the party seeking affirmative relief from the Commission. Therefore, Fellowship 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*, 70 A.2d 854 (Pa. 1950)).

In order to make the determination of whether granting a certificate is necessary or proper for the service, accommodations, 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.

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.” 66 Pa.C.S. § 1103(a).

B. Petition

The Petition includes a typed response to the *August 2025 Secretarial Letter* and two pages of email screenshots. Petition at 1-4.

In response to the *August 2025 Secretarial Letter*, Fellowship requests reconsideration of the dismissal of the Application and states the following:

1. On August 14, 2025, [Fellowship] submitted completed tariffs template [sic] to [TUS]. The submission was returned for corrections. We were researching how to better address the issues at hand when we received the dismissal letter. When the original tariff template was rejected there was no time frame for response, which led us to believe that we had an extended time frame for response.
2. We are requesting that you reconsider the dismissal of our application as we are planning on contracting with brokerage agents in order to provide services for those in need of our services. We are also paying insurance for our business and would like to produce income to cover our expenses.

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 Petition and the record documents, we will grant the Petition. Our Regulation at 52 Pa. Code § 1.15(a)(1), gives us authority to extend a deadline, after the deadline has passed, where reasonable grounds are shown for the failure to act. Under the circumstances of the instant case, rather than deny the Application for failure to comply with the sixty day submission deadline set forth in the *June 2025 Secretarial Letter*, we deem it is reasonable to extend the Application deadline to allow the Applicant to provide responses to TUS's questions within twenty (20) days of the entry of this Opinion and Order. *See Application of Application of Diamond Cargo Express LLC*, Docket No. A-2024-3052254 (Opinion and Order entered March 13, 2025).

Here, on August 14, 2025, within the sixty-day submission timeline set forth in the *June 2025 Secretarial Letter*, the Applicant provided TUS with a draft tariff. In response, TUS sent questions to the Applicant as set forth in the *August 15, 2025 TUS email*. Although TUS was required to send the *August 26, 2025 TUS email* when the Applicant did not respond to the *August 15, 2025 TUS email*, Fellowship provided an email response on the same day, August 26, 2025, indicating that it was researching the responses to the questions and that a response would be provided the following day. Nonetheless, on August 26, 2025, the Commission issued the *August 2025 Secretarial Letter* dismissing the Application.

Upon consideration of the unique procedural posture of this Application filing – in which the Commission has already evaluated the Applicant’s fitness pursuant to 52 Pa. Code § 41.14, Fellowship has timely complied with the Form E filing, and the Applicant has attempted to comply with the tariff submission requirement – we find that extending the deadline to allow Fellowship to address TUS’s questions pertaining to the draft tariff submission is a reasonable and more efficient use of the Commission’s and the Applicant’s resources at this stage. Therefore, pursuant to 52 Pa. Code §§ 1.2(a) and 1.15(a)(1), we will grant the Petition and permit Fellowship to proceed with its Application. Thus, we shall direct the Applicant to address and to otherwise fully comply with TUS’s inquiries pertaining to the draft tariff within twenty (20) days of the entry date of this Opinion and Order.

This action also furthers the Commission’s support for small businesses operating in the utility sector while still maintaining our regulatory standards. Accordingly, pursuant to 52 Pa. Code § 1.2, we shall: (1) grant the Petition consistent with this Opinion and Order; (2) conditionally rescind the *August 2025 Secretarial Letter*; (3) require Fellowship to address and otherwise fully comply with TUS’s inquiries pertaining to the draft tariff within twenty (20) days of the entry of this Opinion and Order; and (4) refer this matter to TUS for such further action as may be warranted. We further remind Fellowship that it must timely comply with any necessary matters which are requested by TUS and required by the Commission to complete the application process.

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 *August 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 Fellowship Supports Coordination Agency, Inc., on August 29, 2025, at Docket No. A-2025-3054544, is granted, consistent with this Opinion and Order.
2. That the Secretarial Letter issued on August 26, 2025, at Docket No. A-2025-3054544, is conditionally rescinded, consistent with this Opinion and Order.
3. That the Application of Fellowship Supports Coordination Agency, Inc., 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 within twenty (20) days of the entry date of this Opinion and Order, Fellowship Supports Coordination Agency, Inc., shall fully address the inquiries of the Commission's Bureau of Technical Utility Services pertaining to the draft tariff and any necessary matters which are requested by the Bureau of Technical Utility Services and required by the Commission to complete the application process.

5. That, in the event that Fellowship Supports Coordination Agency, Inc. fails to provide the information sought by the Bureau of Technical Utility Services, as set forth in Ordering Paragraph No. 4 above, within twenty (20) days of the entry date of this Opinion and Order, the Commission's Secretarial Letter issued on August 26, 2025 will be deemed the final action in this matter, and this case shall be marked closed.

BY THE COMMISSION,



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: October 9, 2025

ORDER ENTERED: October 9, 2025