

**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 Sure Step Transit LLC

A-2025-3055242  
A-6227981

**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 July 22, 2025, by Sure Step Transit LLC (Sure Step or Applicant), relative to the above-captioned proceeding. Therein, Sure Step requests reconsideration of the Commission's Secretarial Letter dated July 2, 2025 (*July 2025 Secretarial Letter*) in which the Commission denied and dismissed Sure Step's Application for Motor Contract Carrier of Persons (Application) due to failure to establish financial fitness to

operate.<sup>1</sup> No response to the Petition has been filed. For the reasons set forth herein, we shall: (1) grant the Petition; (2) rescind the *July 2025 Secretarial Letter*; and (3) 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 May 7, 2025,<sup>2</sup> Sure Step filed its Application with the Commission at Docket No. A-2025-3055242, specifically requesting to begin operating as a Motor Contract Carrier of Persons in Cumberland, Lancaster, Dauphin, York, Adams, Lebanon, and Berks Counties, in Pennsylvania. Application at 3.

On May 21, 2025, the Commission issued a Data Request (*May 2025 Data Request*), wherein it acknowledged acceptance of the Application and requested additional information from the Applicant regarding the following items:

(1) consideration as to whether paratransit would be a better fit for the service the Applicant wishes to provide, and if so, the need to amend the authority requested to paratransit service and submit a completed paratransit service application; (2) needed information with respect to compliance with the Commission's Regulations at 52 Pa. Code §§ 29.501-509 (Driver Regulations); and (3) a revised Statement of Financial Position. *May 2025 Data Request* at 3-4.

On June 3, 2025, Sure Step responded to the *May 2025 Data Request*, in which the Applicant: (1) stated that the Applicant was amending its Application to

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<sup>1</sup> 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).

<sup>2</sup> The Application was processed and docketed with the Commission on May 19, 2025.

request paratransit service authority; (2) provided additional information regarding compliance with the Driver Regulations; (3) included an Application for Motor Common Carrier of Persons in Paratransit Service; and (4) attached a Verified Statement of Applicant, a Statement of Financial Position, a Verified Statement Supplemental Response Sheet, and a projected 1-Year Profit and Loss Statement, all of which appeared to contain similar information to that which was originally provided with Sure Step's Application. Reply to *May 2025 Data Request* at 5-24.

On June 18, 2025, the Commission issued a second Data Request (*June 2025 Data Request*) requesting additional information on the following items: (1) compliance with the Driver Regulations; and (2) a revised, compliant Statement of Financial Position. *June 2025 Data Request* at 3-4.

On June 26, 2025, Sure Step responded to the *June 2025 Data Request* with fourteen (14) pages of information which appeared to be identical to the information the Applicant previously submitted in reply to the *May 2025 Data Request*. Reply to *June 2025 Data Request* at 1-14.

On July 2, 2025, the Commission issued the *July 2025 Secretarial Letter* notifying Sure Step that its Application for paratransit authority had been denied and dismissed. Specifically, the Commission determined that a Certificate of Public Convenience would not be granted because the Application failed to establish Sure Step's financial fitness to operate. In pertinent part, the *July 2025 Secretarial Letter* is reprinted below, as follows:

The purpose of this Letter is to advise you that your application for **Paratransit** authority at Docket No. A-2025-3055242 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 financial fitness to operate.**

Under 52 Pa. Code §41.14(1) The Commission is to determine whether an applicant possesses the technical and financial ability to provide the proposed service. On June 18, 2025, the applicant was issued a data request directing them to provide a new current statement of financial position, as well as supporting documentation that verified the applicant's financial position. They were informed that they should fully fund and equip the business prior to submitting their response, and that applicants lacking suitable finances, resources and equipment would be denied authority. In their response, the applicant failed to provide any evidence of the necessary equipment, nor did they provide any of the requested supporting evidence establishing their financial fitness. Therefore, it is the has been determined that the applicant lacks the financial fitness required to provide safe, efficient, and reliable transportation.

• **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 June 18, 2025, the applicant was issued a data request directing them to provide compliant policies/plans for the hiring/employment of drivers of its vehicles. In its request, the Commission provided the relevant statutory citations and relevant guidance for the applicant to reference when preparing its revisions. In its response to the Commission's data request the applicant has been unable to provide policies for the hiring/employment of its drivers that complied with the Commission's regulations. Therefore, it is the has been determined that the applicant lacks the technical fitness required to provide safe, efficient, and reliable transportation.

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

*July 2025 Secretarial Letter* at 1-2 (emphasis in original).

In addition, the *July 2025 Secretarial Letter* explained that if Sure Step disagreed with the determination of this matter as set forth therein, then it could file a petition for reconsideration from staff action with the Commission within twenty (20) days pursuant to 52 Pa. Code § 5.44. The *July 2025 Secretarial Letter* also explained that if no timely request for reconsideration was made, then the action contained therein would be deemed to be the final action of the Commission. The *July 2025 Secretarial Letter* further stated:

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.

*July Secretarial Letter* at 2 (emphasis in original).

As discussed, *supra*, Sure Step submitted its Petition on July 22, 2025. No response to the Petition has been filed.

## II. Discussion

### A. Legal Standards

Petitions for Reconsideration from Staff Action are governed by Section 5.44(a) of Commission's Rules of Administrative Practice and Procedure, 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*, 70 A.2d 854 (Pa. 1950)).

In *Se-Ling Hosiery v. Margulies*, 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).

Additionally, 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.” In order to make these determinations, 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 requested.
- (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 the 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 or crime of moral turpitude and remains subject to supervision by a court or correctional institution.

52 Pa. Code § 41.14.<sup>3</sup>

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<sup>3</sup> 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. Notably, the Final Policy Statement maintained the language of prior subsection (b), related to the factors to be examined in determining an applicant's technical and financial fitness and propensity to operate safely and legally. The Final Policy Statement became effective upon publication in the *Pennsylvania Bulletin* on February 10, 2018, at 48 *Pa. B.* 882.

## B. Petition

Sure Step's Petition<sup>4</sup> includes the following: (1) two pages describing what is being provided therein; (2) three pages attempting to address the Commission's prior request for additional information regarding Sure Step's proposed compliance with the Driver Regulations; (3) an updated Balance Sheet; (4) an updated Year-1 Projected Profit and Loss Statement; and (5) copies of Pennsylvania Titles for two Toyota vehicles.

Petition at 1-11. Specifically, in its Petition, Sure Step notes that it is providing:

(1) a new, dated Financial Statement, prepared by a financial professional, with requested, necessary documents; and (2) new policies for the employment of drivers that comply with the Driver Regulations. *Id.* at 1. In the Petition, Sure Step neither includes an explanation for the delay to provide this information to the Commission, nor does it offer any reasoning in support of its request for reconsideration.

With respect to Sure Step's proposed compliance with the Driver Regulations, the Applicant provides additional answers to questions addressing the conduct of criminal background checks, employment disqualification resulting from criminal background checks, the process for conducting driver license/history checks, and record maintenance of criminal background and driver license/history checks.

Petition at 3-5. In addition, Sure Step includes a Balance Sheet, dated July 16, 2025, which appears to contain exact figures and values, as well as an updated Year-1 Projected Profit and Loss Statement. *Id.* at 6-7. Finally, Sure Step attaches two Pennsylvania

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<sup>4</sup> We note that the format of Sure Step's Petition, which was filed by Peggy Myrtil, Owner, does not conform to Section 1.31 of our Regulations or the instructions provided in the *July 2025 Secretarial Letter*, which require, *inter alia*, that statements be divided into numbered paragraphs outlining the reasons for the request. *See* 52 Pa. Code § 1.31; *July 2025 Secretarial Letter* at 2. Nevertheless, we will exercise our discretion to consider the merits of the Petition, as filed, pursuant to Section 1.2(a) of our Regulations. 52 Pa. Code § 1.2(a).

Titles, issued on July 16, 2025, for a 2017, and a 2020, Toyota vehicle, respectively, for which Sure Step is listed as the registered owner. *Id.* at 8-11.

### **C. Disposition**

In considering the Petition, we note that any issue or argument 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).

Upon consideration of the Petition and the attached documents, we find that the Applicant has met its burden of proof for granting the Petition; accordingly, we shall grant the Petition and rescind the *July 2025 Secretarial Letter*, consistent with the following discussion. Although we note that the Applicant does not provide any explanation for the delay in providing certain information requested by the Commission, we conclude that the Applicant has offered information and presented new considerations that may not have been previously considered. Therefore, without taking a position on the merits of the Application, we will refer this matter to TUS for such further review and action as may be warranted, consistent with this Opinion and Order.

As noted, *supra*, the *July 2025 Secretarial Letter* stated that Sure Step had failed to provide any evidence of the necessary equipment or its financial fitness in support of its request for paratransit authority. Also, the Commission determined in the *July 2025 Secretarial Letter* that Sure Step did not provide any policies regarding the hiring and employment of its drivers in compliance with the Commission's Driver Regulations at 52 Pa. Code §§ 29.501-509. *See July 2025 Secretarial Letter* at 1. Upon

our review of the Applicant's responses to the *May 2025 Data Request* and *June 2025 Data Request*, we agree.

In fact, we note that Commission Staff, in the *June 2025 Data Request*, provided detailed explanations of information needed to address the Application's shortcomings, including, *inter alia*: (1) policies for criminal background check employment disqualification and record retention in compliance with our Regulations at 52 Pa. Code § 29.505 (a)(3-4); (2) driver license and history check frequency and record retention in compliance with our Regulations at 52 Pa. Code § 29.504(a)(3); and (3) specific information to be included on a revised Statement of Financial Position. *June 2025 Data Request* at 1-2. However, upon review of the Petition and associated documentation, Sure Step now appears to have provided additional information and considerations that may not have been previously considered.

As noted, *supra*, Sure Step, in its Petition, specifically includes additional information regarding its proposed compliance with the Driver Regulations with respect to criminal background and driver license and history checks, an updated Balance Sheet and Year-1 Projected Profit and Loss Statement, and proof of ownership for two vehicles. *See* Petition at 3-11.

Based on our review of the information contained in the Petition, we find that the Applicant has provided more detailed information and documentation that may help to address the pertinent deficiencies previously identified by Commission Staff in the *July 2025 Secretarial Letter*. Therefore, 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, due to TUS' expertise in reviewing applications for Commission authority. We will utilize the discretion afforded to the Commission in Section 1.2 of our Regulations, 52 Pa. Code § 1.2, and refer this matter to TUS to continue processing the Application,

consistent with this Opinion and Order. Such a referral will provide TUS with the opportunity to review the additional information provided by Sure Step in its Petition, as well as to request any further information or evidence from Sure Step,<sup>5</sup> as needed, to review and make a determination on the Application. Moreover, given the procedural posture and history of this case, acknowledging the new considerations provided in the Petition and referring this matter to TUS for further consideration is a more efficient use of the Commission's and the Applicant's resources at this stage of the proceeding.

### **III. Conclusion**

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

#### **IT IS ORDERED:**

1. That the Petition for Reconsideration from Staff Action filed by Sure Step Transit LLC on July 22, 2025, at Docket No. A-2025-3055242 is granted, consistent with this Opinion and Order.

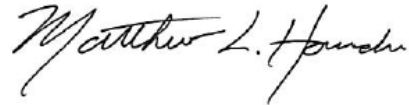
2. That the Secretarial Letter issued on July 2, 2025, at Docket No. A-2025-3055242, is rescinded, consistent with this Opinion and Order.

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<sup>5</sup> For instance, we note that it does not appear that Sure Step has provided supporting documentation for its Statement of Financial Position, such as current copies of bank statements or official statements of account balances provided by bank officers.

3. That this matter, at Docket No. A-2025-3055242, be referred to the Commission's Bureau of Technical Utility Services for such further action, as may be deemed necessary, and processing, consistent with this Opinion and Order.

**BY THE COMMISSION**

A handwritten signature in black ink, reading "Matthew L. Homsher". The signature is written in a cursive style with a large initial "M".

Matthew L. Homsher  
Secretary

(SEAL)

ORDER ADOPTED: October 9, 2025

ORDER ENTERED: October 9, 2025