

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

Public Meeting held October 23, 2025

Commissioners Present:

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

Application of Compai Transportation LLC

A-2025-3056527  
A-6428154

**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 August 28, 2025, by Compai Transportation LLC (Applicant or Compai), relative to the above-captioned proceeding.

In its Petition, Compai requests reconsideration of the Commission's Secretarial Letter dated August 21, 2025 (*August 2025 Secretarial Letter*), which denied and dismissed Compai's Application for Motor Common Carrier of Persons in

Paratransit Service (Application) for Compai’s failure to establish its fitness to provide service in accordance with 52 Pa. Code § 41.14.<sup>1</sup>

No Answer to the Petition has been filed.

For the reasons set forth herein, we shall grant the Petition, conditionally rescind the *August 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 July 25, 2025, Compai filed its Application at Docket No. A-2025-3056527 seeking certification to transport school students, as a common carrier, by motor vehicle, “door to door” in paratransit service to and from points in Hazelton, Pennsylvania and surrounding areas. Application at 1-3.

On July 29, 2025, TUS issued a data request (Data Request) notifying Compai that the following additional information was required within ten working days in order for TUS to proceed with the Application, including: (1) identification of who would be paying for the transportation services and a copy of any applicable contract; (2) an adequate answer to Question No. 10 of the Application identifying the county boundaries of the service area; (3) an adequate answer to Verified Statement No. 5 regarding compliance with provisions of 52 Pa Code §§ 29.503-29.507 (related to the number of drivers to be employed, driver age restrictions, the frequency of driver license

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<sup>1</sup> Because the instant Petition challenges the action taken in the *August 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).

checks, the frequency of driver criminal record checks, and the conduct of drug/alcohol tests); and (4) clarification of the answer to Verified Statement No. 5 [7] indicating the schedule of oil changes and tune ups and a sample inspection checklist for any planned pre-trip inspections. Data Request at 1-2.

Additionally, the Data Request sought additional information regarding Compai's financial position, including verification that all assets and debts listed in the Application are held by Compai and not impermissibly co-mingled with the assets and debts of members of the limited liability company. Data Request at 2. Furthermore, Compai was asked to submit supporting documentation for the Balance Sheet, including proof of Compai's ownership of the claimed vehicles and the land/building identified in the Application, which must be in the name of "Compai Transportation LLC." *Id.* Finally, the Data Request informed Compai that its responses must be accompanied with an originally signed verification statement, pursuant to 52 Pa. Code § 1.36, and a sample verification statement was included. *Id.* at 1-2.

On August 4, 2025, Compai submitted a verified response to the Data Request.

On August 21, 2025, the Commission issued the *August 2025 Secretarial Letter* notifying Compai that its Application was denied and dismissed. Specifically, the Commission determined that a Certificate of Public Convenience would not be granted because the Application failed to establish Compai's fitness to operate, as evidenced by the deficiencies in the Applicant's response to the Data Request, as follows:

- (1) The Applicant did not provide the revised balance sheet and supporting documentation.
- (2) The Applicant indicated that it did not own a vehicle, nor did it have a financial account.

- (3) The Applicant did not include a plan to transfer personal assets.
- (4) With cash assets of only \$1,000 and no tangible assets, the Applicant failed to prove it has suitable finances to provide safe, efficient, and reasonable service in the territory requested.

*August 2025 Secretarial Letter* at 1.

After identifying the reasons for the denial and dismissal of the Application, the *August 2025 Secretarial Letter* informed the Applicant that if Compai disagreed with the Commission's determination, it could submit a Petition for Reconsideration from Staff Action. The *August 2025 Secretarial Letter* included guidance about the process for which the Applicant could seek reconsideration of the Commission's determination, including the requirement that any request for reconsideration include a verification statement with an original signature. *August 2025 Secretarial Letter* at 2.

On August 28, 2025, Compai filed the verified Petition. No response to the Petition has been filed.

## **II. Discussion**

### **A. Legal Standards**

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).

Courts have held that “[a] litigant’s burden of proof before administrative tribunals as well as before most civil proceedings is satisfied by establishing a preponderance of 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 a rule or order from the Commission has the burden of proof in that proceeding.

In this proceeding, Compai is the party seeking affirmative relief from the Commission. Therefore, Compai 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, 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.

*610 Hauling* (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))

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 passenger carrier 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**

Compai's Petition is comprised of a two-page typewritten document, wherein it asserts that it has taken corrective measures to establish financial fitness in response to the *August 2025 Secretarial Letter*. Specifically, Compai avers that its corrective measures include: (1) opening a business bank account with sufficient funds; (2) preparing a revised balance sheet to reflect only business assets and liabilities; (3) acquisition of a compliant paratransit vehicle titled under the company's name; (4) securing commercial insurance coverage for operations; and (5) transferring the owner's capital into the company to ensure adequate working capital. Additionally,

Compai asserts, *inter alia*, that the corrective measures demonstrate the company's ability to provide safe, efficient, and continuous service. Finally, Compai requests that the Commission grant the Petition and "accept the attached revised documentation in support of the Applicant's financial fitness." Petition at 4.

Compai attached supporting documents to the Petition, including:<sup>2</sup> (1) a one-page document titled "Exhibit A-Balance Sheet" identifying Compai's assets and liabilities; (2) a two-page document consisting of a cover page titled "Exhibit B-Vehicle Ownership/Financing" and a Berkshire Hathaway Homestate Insurance Company invoice identifying Compai Transportation LLC as the named insured; (3) a two-page document consisting of a cover page titled "Exhibit C-Insurance Coverage" and a Berkshire Hathaway Homestate Insurance Company business auto coverage declaration page identifying Compai Transportation LLC as the named insured; (4) a one-page document appearing to demonstrate a \$5,100 Truist checking account balance for Compai Transportation LLC; (5) a one-page Commonwealth of Pennsylvania Certificate of Title for A Vehicle for a 2013 Ford vehicle registered to Compai Transportation LLC; and (6) a two-page document consisting of a cover page entitled "Exhibit D- Proof of Income" and a document appearing to demonstrate a \$5,100 Truist checking account balance for Compai Transportation LLC. Petition at 6-14.

### **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

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<sup>2</sup> Compai's Petition includes a Table of Contents identifying exhibits as follows: Exhibit A-Balance Sheet; Exhibit B-Vehicle Ownership/Financing; Exhibit C-Insurance Coverage; and Exhibit D- Proof of Income. Petition at 3. Although the documents attached to Compai's Petition were not ordered and labeled as indicated in the Table of Contents, the attached documents nevertheless appear to include the information identified in the table of contents.

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).

On consideration of the arguments raised by Compai, we shall grant the Petition. Our review of the Applicant's Petition concludes with the determination that Compai has demonstrated a good faith attempt to address the deficiencies identified in the *August 2025 Secretarial Letter*. Compai's good faith efforts are exemplified by the fact that the Petition includes attachments that appear to include a revised balance sheet, as well as documents that demonstrate Compai's ownership of assets and accounts. *See* Petition at 6-14. While we neither make a determination as to whether the documents attached to the Petition cure the defects identified in the *August 2025 Secretarial Letter*, nor whether those documents have been submitted to the Commission in the manner prescribed by TUS, we find that it is appropriate to grant the Petition to afford TUS an opportunity to review and consider the documents.

In view of Compai's attempt to provide additional documentation, we conclude that, under the circumstances in this case, it is appropriate and reasonable to conditionally rescind the *August 2025 Secretarial Letter*. Pursuant to Section 1.2 of the Commission's Regulations, 52 Pa. Code §§1.2 (a)-(b), the Commission may exercise its discretion to overlook an error of procedure, where necessary, to secure the efficient resolution of a matter so long as the substantive rights of other parties are not adversely affected. At this stage of the proceeding, acknowledging the new information provided in Compai's Petition, we conclude that referring this matter to TUS for further consideration of the documents provided is the most efficient use of both the Commission's and Compai's resources. We further find that no party is adversely affected by directing TUS to complete a review of the additional information. Accordingly, given TUS' expertise in reviewing motor carrier applications for authority,

we will refer this matter to TUS for consideration and for such further action as may be warranted.

We caution Compai that timely and complete submission of all additional information and document requests and filings is expected, particularly given the Applicant's representations that Compai is ready to commence operations and provide reliable paratransit service to the community. *See* Petition at 4. While we take no position on the merits of Compai's Application at this time, we wish to emphasize to Compai that it must fully and timely comply with all information requests and requirements identified by TUS to facilitate further evaluation of the Application.

Accordingly, we shall refer this matter to TUS to continue processing the Application and shall allow Compai an additional thirty days in which to provide all required information.

### **III. Conclusion**

For the reasons discussed herein, we will: (1) grant the Petition; (2) conditionally rescind the *August 2025 Secretarial Letter*; and (3) 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 Compai Transportation LLC on August 28, 2025, at Docket No. A-2025-3056527, is granted, consistent with this Opinion and Order.

2. That the Secretarial Letter issued on August 21, 2025, at Docket No. A-2025-3056527, is conditionally rescinded, contingent upon Compai Transportation LLC responding to the Commission's Bureau of Technical Utility Services with the required information within thirty (30) days of the entry of this Opinion and Order.

3. That the Application of Compai Transportation LLC 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 in the event that Compai Transportation LLC fails to respond within thirty (30) days of the entry date of this Opinion and Order, the Commission's Secretarial Letter issued on August 21, 2025 will be deemed the final action in this matter, and the case shall be marked closed.

**BY THE COMMISSION,**



Matthew L. Homsher  
Secretary

(SEAL)

ORDER ADOPTED: October 23, 2025

ORDER ENTERED: October 23, 2025