

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

Public Meeting held November 6, 2025

Commissioners Present:

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

Application of Rex-Beni Transportation and Logistics LLC

A-2025-3056159  
A-6328109

**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 September 5, 2025, by Rex-Beni Transportation and Logistics LLC (Applicant or Rex-Beni), relative to the above-captioned proceeding.

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

upon Call or Demand (Taxi Service) (Application) for Rex-Beni’s lack of financial fitness to provide service.<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 9, 2025, Rex-Beni filed its Application<sup>2</sup> at Docket No. A-2025-3056159 (Application) seeking certification to “transport people upon call and demand in the [C]ity of Hazleton, Luzerne [C]ounty.” Application at 1-3.

On July 9, 2025, TUS issued its first data request (First Data Request) notifying Rex-Beni that the following additional information was required within ten working days in order for TUS to proceed with the Application, including:  
(1) identification of the steps taken to determine the costs of installing required dome

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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).

<sup>2</sup> Rex-Beni attempted to file its Application on June 17, 2025; however, the legal name of the Applicant originally listed in its Application did not match the name registered with the Pennsylvania Department of State Corporation Bureau. As a result of mismatched names, the Commission’s Secretary’s Bureau issued a Secretarial Letter to Rex-Beni on June 17, 2025 advising Rex-Beni of the need to correct the mismatch within twenty (20) days of the date of the letter. Rex-Beni subsequently filed a correction to the name listed on its Application and its Application was accepted for filing on July 9, 2025.

lights and trip-meters; (2) identification of the steps taken to ensure that drivers' vehicles could be issued the requisite TAXI license plates; (3) confirmation of whether transportation services will be publicly available or restricted to clients and employees of the Home Care business cited in the verification statements; (4) an adequate answer to Verified Statement No. 5 regarding provision of a plan and demonstration of compliance with provisions of 52 Pa Code §§ 29.503-29.505 (related to driver age, driver history, and criminal history); (5) confirmation of whether Rex-Beni will conduct daily pre- and post-trip inspections, identification of who would verify the inspection of third-party owned vehicles, and a copy of the items to be inspected prior to placing a vehicle into service; and (6) the projected annual cost for commercial coverage, identification of companies who have provided quotes, and verification that the policy will support the filing of the required Form E with the Commission. First Data Request at 2.

Additionally, the First Data Request sought additional information regarding Rex-Beni's Statement of Financial Position (Balance Sheet), noting that the statement must be dated and comprised of information which is less than six months old and accurate as of the date provided. Furthermore, Rex-Beni was informed that its Balance Sheet should not include estimates when accurate numbers are available, and that all relevant assets and debts should be included. Rex-Beni was also required to limit the information provided on its Balance Sheet to assets and debts held only by the Applicant, and to provide supporting documentation for the Balance Sheet (*i.e.*, current bank statements, notarized/official statements, vehicle registration, property titles, and purchase agreements). First Data Request at 3.

On July 22, 2025, Rex-Beni submitted a verified reply to the First Data Request.

On August 5, 2025, TUS issued its second data request (Second Data Request) notifying Rex-Beni that the following additional information was required

within ten working days in order for TUS to proceed with the Application: (1) a response as to whether the Applicant's business model, which would include the driver's personally-owned vehicle being registered to the Applicant (and not to the vehicle's actual owner) would more appropriately fall under the category of a Transportation Network Company; and (2) verification of the Balance Sheet by way of the supporting evidence that was previously requested in the First Data Request but not been provided. Second Data Request at 2.

On August 20, 2025, Rex-Beni submitted a verified reply to the Second Data Request.

On August 21, 2025, the Commission issued the *August 2025 Secretarial Letter* notifying Rex-Beni 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 Rex-Beni's financial fitness to operate, as evidenced by the following deficiencies in the Applicant's response to the First and Second Data Requests:

- (1) Review of the Applicant's supporting documentation and submitted statements indicated a lack of financial liquidity and a lack of essential vehicular equipment.
- (2) Despite two attempts by the Commission to elicit evidence of a registered vehicle, the Applicant has still failed to establish that it owns a vehicle with which to provide the requested service.
- (3) In weighing the Applicant's minimal cash reserves against its need to obtain a vehicle which is able to be properly registered and plated exclusively for call or demand service, to modify said vehicle with a meter system and appropriate dome lighting, and to maintain said vehicle; the Commission believes the Applicant to lack the requisite level of financial fitness.

*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 Rex-Beni 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 September 5, 2025, Rex-Beni 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, Rex-Beni is the party seeking affirmative relief from the Commission. Therefore, Rex-Beni 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**

Rex-Beni’s Petition is comprised of a one-page typewritten document,<sup>3</sup> wherein it asserts that it has made substantial progress in addressing the financial fitness concerns outlined in the *August 2025 Secretarial Letter*. Specifically, Rex-Beni avers that since filing its Application, it has done the following: (1) acquired two vehicles that are registered under the company name; (2) insured both vehicles with policies that meet all Commission requirements; (3) equipped each of the two vehicles with taxi domes, and acquired one taximeter that is ready for installation by an authorized technician, while the other taximeter is in the process of being purchased; (4) produced attached documentary evidence of financial fitness in the form of vehicle registrations, insurance documents, car inspection documents, and an updated company bank statement for the period of

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<sup>3</sup> The full document that Rex-Beni submitted is comprised of thirteen pages; however, the Petition itself is limited to one page, contained as the fourth page of the full document. The remaining documents include a copy of the *August 2025 Secretarial Letter*, a signed verification statement, and the supporting documents identified, *infra*.

August 1-August 31, 2025; and (5) confirmed that the vehicles will be used exclusively for company-authorized taxi transportation and not for personal purposes. Petition at 4.

Rex-Beni attached supporting documents to the Petition, including:

(1) a copy of an Insurance Identification Card issued by American Risk Management Risk Retention Group, Inc. for a 2017 Ford Fusion and identifying Rex-Beni as the insured; (2) a Commonwealth of Pennsylvania Registration Credential issued to Rex-Beni for a 2017 Ford Fusion; (3) a copy of an Insurance Identification Card issued by American Risk Management Risk Retention Group, Inc. for a 2017 Hyundai Sonata and identifying Rex-Beni as the insured; (4) a Commonwealth of Pennsylvania Registration Credential issued to Rex-Beni for a 2017 Hyundai Sonata issued to Rex-Beni; (5) a Commonwealth of Pennsylvania Vehicle Emissions Inspection Report for a 2017 Ford Fusion; (6) a Commonwealth of Pennsylvania Vehicle Emissions Inspection Report for a 2017 Hyundai Sonata; (7) a Balance Sheet for the period of August 01 – August 31, 2025 reflecting a total asset value of \$12,831; (8) a Woodforest National Bank statement for Rex-Beni’s business checking account; (9) a document containing three photos of a 2017 Hyundai Sonata; and (10) a document containing three photos of a 2017 Ford Fusion. Petition at 6-13.

### **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).

Upon review of Rex-Beni's Petition, including the supporting documentation, we shall grant the Petition. We find that Rex-Beni demonstrated a good faith attempt to respond to the financial fitness concerns identified in the *August 2025 Secretarial Letter*. Rex-Beni's efforts are exemplified by the documents produced in the Petition, which appear to indicate that Rex-Beni: (1) owns two registered vehicles; (2) has made strides in equipping the vehicles for taxi service; and (3) provided a Balance Sheet indicating a higher financial asset value than what was previously reflected in earlier submissions. *See* Petition at 6-13. In total, through its Petition, Rex-Beni demonstrated an attempt to verify the financial information requested in both the First and Second Data Request. Additionally, Rex-Beni verified that its registered vehicles would be used exclusively for company-authorized taxi transportation, which appears to be responsive to the first inquiry contained in the Second Data Request. *See Id.* at 4.

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 the additional documentary evidence that Rex-Beni's Petition included, 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 early stage of the proceeding, acknowledging the new information provided in Rex-Beni'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 Rex-Beni'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 Rex-Beni that timely and complete submission of all additional information and document requests and filings is expected, particularly given the fact that Rex-Beni was already provided with two previous opportunities to furnish all required information in response to both the First and Second Data Request. While we take no position on the merits of Rex-Beni's Application at this time, we wish to emphasize to Rex-Beni that it is required to 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 Rex-Beni 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 Rex-Beni Transportation and Logistics LLC on September 5, 2025, at Docket No. A-2025-3056159, is granted, consistent with this Opinion and Order.
  
2. That the Secretarial Letter issued on August 21, 2025, at Docket No. A-2025-3056159, is conditionally rescinded, contingent upon Rex-Beni Transportation and Logistics 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 Rex-Beni Transportation and Logistics 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 Rex-Beni Transportation and Logistics 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,**

A handwritten signature in cursive script that reads "Matthew L. Homsher".

Matthew L. Homsher  
Secretary

(SEAL)

ORDER ADOPTED: November 6, 2025

ORDER ENTERED: November 6, 2025