

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

Public Meeting held November 20, 2025

Commissioners Present:

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

Application of BSF HOME CARE SERVICES LLC

A-2025-3056078

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 BSF HOME CARE SERVICES LLC (Applicant or BSF HOME), on August 20, 2025, relative to the above-captioned proceeding.¹ The Secretarial Letter to which the Petition refers was issued on August 7, 2025 (*August 2025 Secretarial Letter*).² No Answer to the Petition has been filed. For the reasons set forth herein, we shall grant

¹ According to the Pennsylvania Department of State, the Applicant's registered legal name is "BSF HOME CARE SERVICES LLC."

² 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 *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).

the Petition 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 June 11, 2025, BSF HOME filed an Application for Motor Common Carrier of Persons in Paratransit Service (Application) with the Commission.³ Application at 1. In its Application, BSF HOME requested authority to transport people between points in multiple counties in Pennsylvania.⁴ *Id.* at 3. No Protests to the Application were filed.

On July 7, 2025, TUS issued a data request to BSF HOME (Data Request), wherein it requested, *inter alia*, that the Applicant provide additional information in support of its Application. The Data Request addressed several material aspects of BSF HOME's Application. The requested information included details on the owner's transportation experience, the Applicant's plans for compliance with the Commission's motor carrier regulations, more specific information about potential driver background checks and reports, and complete and accurate financial information for the Applicant. The Data Request contained clear explanations regarding all of the necessary information that must be provided and the consequences of failure to provide the same, *i.e.*, denial of the Application. Data Request at 1-2.

³ We note that the Verification of Application included in BSF HOME'S Application was signed by Steven Smith, identified as the owner, president, and sole member of BSF HOME. Application at 2, 4. The Verified Statement of Application was also signed by Steven Smith. *Id.* at 7.

⁴ In its Application, BSF HOME stated that it proposed to operate between points from the counties of Allegheny, Butler, Fayette, Lawrence, Washington, and Westmoreland. *Id.* at 3.

The Applicant did not file a reply to Data Request.

On August 7, 2025, the Commission issued the *August 2025 Secretarial Letter*, therein dismissing the Application. In pertinent part, the *August 2025 Secretarial Letter* stated as follows:

- **Failure to establish fitness to operate:**

On July 7, 2025, the applicant was issued a detailed 10-day data request seeking clarification of past experience, seeking the submission of complete hiring/safety policies for review, seeking additional vehicle, staffing, and efficiency related information, seeking evidence of insurance quotes and expense, and seeking verifiable evidence to substantiate the financial position stated in the application. The applicant was notified of the specific issues to address and was provided with examples of acceptable evidence to support its financial position.

To date, 30 days later, the applicant has failed to respond to the Commission's request. Absent the previously requested evidence of acceptable policies and finances, the Commission is unable to properly determine that applicant's ability to provide safe, efficient, and reasonable transportation.

For these reasons the application is DISMISSED and DENIED

August 2025 Secretarial Letter at 1 (emphasis in original).

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 days of the date of the *August 2025 Secretarial Letter*. Further, TUS outlined instructions regarding the form and content of such a Petition for Reconsideration from Staff Action, including references to the inclusion of relevant documentation and a signed

verification statement, as set forth in 52 Pa. Code §§ 1.31 and 5.44. *August 2025 Secretarial Letter* at 2.

As stated previously, on August 20, 2025, BSF HOME 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). Petitions for Reconsideration from Staff Action are governed by Section 5.44(a) of the 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, BSF HOME is the party seeking affirmative relief from the Commission. Therefore, BSF HOME 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) (*Application of 610 Hauling*), citing *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950) (*Se-Ling Hosiery*).

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

In order to make the determination 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 consists of the following: (1) a typed response to the *August 2025 Secretarial Letter*; and (2) a verification statement signed by Steven Smith.⁵ Petition at 1. BSF Home asserts in the Petition that it received neither any emails about its Application from the Commission, nor any postal mail in the form of Data Requests or the *August 2025 Secretarial Letter* dismissing and denying the Application. Petition at 1. BSF Home claims that it only learned of the dismissal of its case by visiting the Commission’s website on August 19, 2025. As noted above, the Petition seeking relief was submitted the next day – August 20, 2025.

C. Disposition

In considering the instant Petition, we note that we are not required to consider, expressly or at length, each and every contention raised by a party to our proceedings. *University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217

⁵ As previously noted, Steven Smith is identified as the owner of BSF HOME. See Application at 2.

(Pa. Cmwlth. 1984). Any argument that is not specifically addressed herein shall be deemed to have been duly considered and denied without further discussion.

Based on our review of the Applicant's Petition, we find that even though the Applicant has not provided more detailed information to address certain deficiencies and clarify certain ambiguities identified by TUS in its Data Request, the Applicant has identified a reasonable basis for a grant of reconsideration. Specifically, the Applicant asserts that he never received any emails pertaining to the Application and "only found out anything by coming onto the PUC website." Petition at 1. The Applicant also asserts that he "never received any [postal] mail as was told to me that these letters were mailed out to me with enough response time." *Id.* Finally, the Applicant claims that he "was only made aware of my denial on 8/19/2025." *Id.* The Applicant submitted the Petition to the Commission the next day.

Our review of our records reveals that the Applicant identified his email address as BSFHOMECARESERVICE@GMAIL.com on the Application itself. That email address was, however, incorrectly entered into our record management system as BSFHOMECARESERVIC@GMAIL.com. Our records also reveal that the service of the Data Request to the incorrect email address came back as undeliverable, so the Data Request with a ten working day response deadline was served by United States Postal Service mail. In addition, our records indicate that the *August 2025 Secretarial Letter* was served by United States Postal Service mail for the same reason of email undeliverability.

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. We conclude that, under the unusual circumstances in this case, it is appropriate and reasonable to conditionally

rescind the *August 2025 Secretarial Letter*. 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 shall allow BSF Home an additional thirty days in which to provide all of the required information. In our view, given the procedural posture 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 both the Commission's and BSF HOME's resources at this stage of the proceeding. Again, we caution BSF HOME that timely and complete submission of all additional documentation and filings is expected.

It is important to clarify that we take no position on the merits of BSF HOME's Application at this time. Nonetheless, we wish to emphasize to BSF HOME that it must fully and timely comply with all information requests and requirements identified by TUS to facilitate any further evaluation of the Application.

In consideration of all the circumstances of the instant matter, including: (1) the email service address error; (2) the Applicant's assertion of lack of receipt of both the Data Request seeking a 10 working day response timeframe and the *August 2025 Secretarial Letter* dismissing and denying the Application; and (3) the early procedural posture of this uncontested matter, we shall grant the Petition, conditionally rescind the *August Secretarial Letter*, and provide the Applicant an additional 30 days from the date of this Opinion and Order to answer the Data Request. Finally, we shall refer this matter to TUS for further action as may be deemed necessary.

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 BSF HOME CARE SERVICES LLC, on August 20, 2025, at Docket No. A-2025-3056078, is granted, consistent with this Opinion and Order.

2. That the Secretarial Letter issued on August 7, 2025, at Docket No. A-2025-3056078 is conditionally rescinded, contingent upon BSF HOME CARE SERVICES LLC responding to the required information within thirty (30) days of the entry of this Opinion and Order.

3. That the application of BSF Home Care Services 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 the Commission's record of BSF HOME CARE SERVICES LLC's e-mail address shall be corrected to BSFHOMECARESERVICE@gmail.com.

5. That this Opinion and Order shall be served on BSF HOME CARE SERVICES LLC at BSFHOMECARESERVICE@GMAIL.com and by United States Postal Service mail at the physical address listed in BSF HOME CARE SERVICES LLC's June 11, 2025 Application.

6. That in the event that BSF HOME CARE SERVICES LLC fails to respond within thirty (30) days of the entry date of this Opinion and Order, as set forth in Ordering Paragraph 2 above, the Commission's Secretarial Letter, issued on August 7, 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 20, 2025

ORDER ENTERED: November 20, 2025