

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

Public Meeting held December 18, 2025

Commissioners Present:

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

Application of Mirra Car Service, LLC

A-2025-3057218
A-6428242

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 Mirra Car Service, LLC (Mirra, Applicant, or Petitioner) on October 28, 2025, relative to the above-captioned proceeding. The staff action for which reconsideration is sought is a Secretarial Letter issued on October 10, 2025 (*October 2025 Secretarial Letter*), which denied and dismissed Mirra's Application for Motor Common Carrier of Persons in Limousine Service (Application) due to the

Applicant’s failure to establish technical fitness to operate.¹ No response to the Petition has been filed. For the reasons set forth herein, we shall deny the Petition, consistent with this Opinion and Order.

I. History of Proceeding

On August 18, 2025, Mirra filed an Application with the Commission, seeking the right to begin operating as a motor common carrier of persons in limousine service, between points “in the greater Pittsburgh, PA area.” Application at 3. The Applicant noted that “transportation will include points in Allegheny County, and surrounding areas/counties to the Pittsburgh Airport (PIT).” *Id.* Mirra also represented that the owner will be the sole driver and will use only one vehicle to conduct the requested service.²

On September 8, 2025, the Commission’s Bureau of Technical Utility Services (TUS) issued a data request to Mirra (*September 8 Data Request*), wherein it acknowledged acceptance of the Application and requested additional information from the Applicant regarding the following items: (1) a clarification of the requested service territory; (2) additional information pertaining to Mirra’s compliance with the Commission’s Regulations, at 52 Pa. Code §§ 29.501 to 29.509 (Driver Regulations); and (3) the provision of a revised compliant Statement of Financial Position. *September 8 Data Request*, Attachment at 1-2.

¹ Because the instant Petition challenges the action taken in the *October 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).

² Additionally, Mirra also provided the year, make, model, seating capacity, vehicle identification number, and mileage for one vehicle. *See* Application at 6.

Regarding Mirra's proposed compliance with the Driver Regulations, TUS requested information pertaining to the following questions:

- a) Please explain your hiring standards for drivers; (Title 52 Pa Code § 29.503 – Age Restrictions)
 - a. Are there any age restrictions?
- b) Your system for conducting criminal background checks; (Title 52 Pa Code § 29.505 – Criminal History)
 - a. How will you conduct criminal background checks?
 - b. How often will criminal background checks be conducted?
 - c. What type of crimes would disqualify a prospective driver from acting as a limousine driver?
 - d. How will you maintain records (record retention) of the criminal background checks performed?
- c) What is your driver training program for prospective drivers?
- d) Your system for conducting driver license/history checks; (Title 52 Pa Code § 29.504 – Driver History)
 - a. How will you conduct driver license/history checks?
 - b. How often will the driver license/history checks be performed?
 - c. How will you maintain records (record retention) of the driver license/history checks performed?
- e) What are your policies regarding alcohol and drug use by your drivers?

September 8 Data Request, Attachment at 1.

As to the request for a revised Statement of Financial Position, TUS specifically emphasized the following requirements:

- a. The information is to be exact and should not include estimates or approximations when accurate numbers are available. Property and vehicle valuations may be approximations, but bank accounts and loan balances should be exact amounts (rounded to the nearest dollar).
- b. All relevant assets and debts are to be included (for example: vehicle loan balances/vehicle asset value, lease expenses, etc.).
- c. The information provided is also to be strictly limited to assets and debts held by the applicant (Myhiar Aboussaad, t/a Mirra Car Service), and not the individual member(s). Any property and accounts listed must be registered or titled to the corporation. Bank accounts must be in the name of Myhiar Aboussaad, t/a Mirra Car Service. Vehicles must be registered to Myhiar Aboussaad, t/a Mirra Car Service. Property must be titled to Myhiar Aboussaad, t/a Mirra Car Service. If these items are not in the name of Myhiar Aboussaad, t/a Mirra Car Service, then they should not be included on the balance sheet.

If you have not fully funded and equipped the business, now is the time to do so (before re-submitting your corrections). Applicants lacking suitable finances, resources, and equipment will be denied authority.

- d. In order to fully assist the Commission in determining your financial fitness, please provide supporting documentation for the statement of financial position (balance sheet). Acceptable means of support include current copies of bank statements (account numbers may be redacted), and notarized/official statements of account balances/ownership provided by bank officers (with current contact information). Any and all claimed vehicles or land/buildings must also include

proof of ownership/registration vehicle titles, vehicle registrations, property titles, purchase agreements, etc.

September 8 Data Request, Attachment at 2 (emphasis omitted).

On September 15, 2025, Mirra timely filed its response to TUS' *September 8 Data Request* (Response to *September 8 Data Request*), responding to the three categories of questions posed by TUS in the *September 8 Data Request*, wherein the Applicant provided, *inter alia*: (1) a notarized bank statement; (2) the title and registration of the vehicle in business name (Mirra Car Service, LLC); (3) proof of insurance; and (4) a typed response to the *September 8 Data Request*.

In its Response to *September 8 Data Request*, the Applicant clarified its intent to transport individuals in limousine service between points in the Counties of Allegheny and Butler. Response to *September 8 Data Request* at 1-2.

In response to the specific questions in the *September 8 Data Request* regarding hiring standards, the Applicant averred that if it were to expand, then drivers must possess a valid Pennsylvania state-issued driver's license and be at least 21 years of age with a clean driving record. Response to *September 8 Data Request* at 3. Mirra submitted that any new drivers would need to produce a driving history document from the past three years in all states they have provided driving services, and if hired, the driver would need to provide an annual driving history record, which, according to the Applicant, will be kept and maintained in a Driver Profile Record Filing System. *Id.*

Regarding driver background checks, the Applicant asserted that Mirra will: (1) review criminal history from the Pennsylvania Access to the Criminal History (PATCH) System at <https://epatch.pa.gov>; (2) require an out of state criminal background check if a new candidate has lived in another state and provided driving services in that

state; (3) conduct such checks every two years from the date of the last check; (4) disqualify a possible driver from employment if the new candidate shows a record of criminal history such as, theft, driving under the influence (DUI), sexual offenses, or violent crimes; and (5) maintain a copy of criminal background(s) in a confidential Driver Profile Record Filing System. Response to *September 8 Data Request* at 3-4.

The Applicant also represented that Mirra's driver training program will entail: (1) essential knowledge, skills, and safety practices for safe and responsible driving; (2) prospective driver functions of the motor vehicle, including geographic/navigational knowledge of the Pittsburgh area and townships Mirra will service; (3) traffic laws, road rules, safe driving practices, and techniques for defensive driving, specifically regarding Regulations governing limousine drivers, certificate holders, equipment, and penalties for violations; and (4) written, as well as, behind-the-wheel testing. Response to *September 8 Data Request* at 4.

Regarding driver license/history checks, the Applicant noted that Mirra will: (1) utilize the Pennsylvania Department of Transportation to request Motor Vehicle Records for each driver prior to hiring; (2) conduct such checks every twelve months from the date of the last report; and (3) maintain all license check information in a Driver Profile Record Filing System. Response to *September 8 Data Request* at 4-5.

Regarding alcohol and drug policies, Mirra noted that it will: (1) maintain a strict zero-tolerance policy for alcohol and drug use, possession, or being under the influence of alcohol or drugs while on duty; (2) require all drivers to pass a pre-employment drug screening, as well as be subject to random, post-accident, and reasonable suspicion drug and alcohol testing in accordance with the Pennsylvania Department of Transportation guidelines; (3) immediately terminate the employment of any driver violating this policy; and (4) maintain all information in its Driver Profile Record Filing System. Response to *September 8 Data Request* at 5.

In response to the request for information pertaining to the revised Statement of Financial Position, Mirra provided the following chart, indicating a total asset balance of \$29,018, with no liabilities existing at this time.

Assets	Description	Amount
Cash	<ul style="list-style-type: none"> • Cash on hand in Business Banking Account to date 	\$9,000.00
PrePaid Insurance	<ul style="list-style-type: none"> • Insurance has been paid to date 	\$2,018.00
Vehicle (Paid in Full)	<ul style="list-style-type: none"> • The Vehicle Worth • The Vehicle\Title is now listed in the business name to date and has • Vehicle is paid off and owned by business 	\$18,000.00
Vehicle Maintenance	<ul style="list-style-type: none"> • Registration Paid in Full • Annual Inspection and Emissions Testing Paid in Full 	No Debt Owed
Licenses and Certificates	<ul style="list-style-type: none"> • Paid in Full to date with the State of PA 	No Debt Owed
Office Equipment and Technology	<ul style="list-style-type: none"> • Office Supplies 	No Debt Owed
Total Assets		\$29,018.00

Response to *September 8 Data Request* at 5.

Upon review of the Applicant’s Response to *September 8 Data Request*, TUS determined that there was a need for additional information and requested supplemental responses through data requests dated September 24, 2025 (*September 24 Data Request*). Specifically, in pertinent part, the Applicant was given ten working days to provide the requested information, in compliance with 52 Pa Code §§ 29.505(b)(3)

and 29.504(b)(3), pertaining to the following questions, which, according to TUS, were not adequately answered by the Applicant's Response to *September 8 Data Request*:

- a) Your system for conducting criminal background checks; (Title 52 Pa Code § 29.505 – Criminal History)
 - a. How will you maintain records (record retention) of the criminal background checks performed? The answer provided in your previous response does not fully comply with the regulation found at Title 52 Pa Code § 29.505(b)(3). Please provide a policy that complies with the above regulation.

- b) Your system for conducting driver license/history checks; (Title 52 Pa Code § 29.504 – Driver History)
 - a. How will you maintain records (record retention) of the driver license/history checks performed? The answer provided in your previous response does not fully comply with the regulation found at Title 52 Pa Code § 29.504(b)(3). Please provide a policy that complies with the above regulation.

September 24 Data Request, Attachment at 1.

On October 2, 2025, Mirra timely filed its response to TUS' *September 24 Data Request* (Response to *September 24 Data Request*), wherein the Applicant, *inter alia*, reiterated and elaborated on previously submitted information pertaining to Mirra's purported compliance with the Commission's Regulations at 52 Pa. Code §§ 29.501 to 29.509 (Driver Regulations). Response to *September 24 Data Request* at 1-3. However, TUS found that Mirra did not adequately answer TUS' posed questions specifically related to how Mirra's record retention policies for both criminal history and driving motor vehicle records comply with Sections 29.505(b)(3) and 29.504(b)(3) of the Commission's Regulations, 52 Pa Code §§ 29.505(b)(3) and 29.504(b)(3).

Therefore, as noted, *supra*, on October 10, 2025, the Commission issued the *October 2025 Secretarial Letter* notifying Mirra that its Application for limousine authority had been denied and dismissed. In pertinent part, the *October 2025 Secretarial Letter* is reprinted below:

The Commission has determined that a Certificate of Public Convenience shall not be granted for the following reason(s):

- **Failure to establish fitness to operate.** Under 52 Pa. Code §41.14(4) [t]he Commission is to determine whether an applicant possesses the technical and financial ability to provide the proposed service. On September 24, 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 [sic] 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**.

October 2025 Secretarial Letter at 1 (emphasis in original). The *October 2025 Secretarial Letter* further stated that, if Mirra disagreed with this determination, then it had the opportunity to file a Petition for Reconsideration from Staff Action with the Commission within twenty (20) days of the date of the letter, requesting that the Commission change its determination. The *October 2025 Secretarial Letter* also 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.

October 2025 Secretarial Letter at 2 (emphasis in original).

As discussed, *supra*, Mirra filed the instant Petition on October 28, 2025. No response to the Petition has been filed.

II. Discussion

A. Legal Standards

In considering the Petition, we note that any issue or contention that we do not specifically address shall be deemed to have been duly considered and denied without further discussion. The Commission is 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, generally, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

Petitions for Reconsideration from Staff Action are governed by Section 5.44(a) of the Commission's Rules of Administrative Practice and Procedure, 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 the 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, 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. *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.

B. Petition

In its Petition, Mirra asserts that it is providing a “revised and fully compliant Driver Hiring and Employment Policy...to ensure all future hiring, background checks, and training comply with Commission standards.” Petition at 1 (citing 52 Pa. Code § 41.14(4)). Therefore, according to Mirra, the Applicant is prepared to operate safely, efficiently, and reliably under the Commission's authority. Petition at 1. We note that on review, Mirra's “revised” Driver Hiring and Employment Policy attached to its Petition is substantially similar to Mirra's answers in its Responses to TUS' *September 8 and September 24 Data Requests*, containing similar deficiencies. For example, under those portions of its revised policy specifically pertaining to Mirra's record retention policies for both criminal history and driving motor vehicle records, Mirra states:

2. Background and Safety Checks

Prior to hiring, Mirra Car Service LLC will conduct Pennsylvania State Police criminal background checks and driving record checks through PennDOT or an equivalent authorized provider. All records will be reviewed to ensure compliance with 52 Pa. Code § 29.331 and related safety standards.

* * *

6. Recordkeeping

All employment, screening, and training records will be kept in the company's central office and made available to the PUC upon request. Mirra Car Service LLC is dedicated to ensuring the safety and reliability of its limousine operations at all times.

See Petition, Attachment.

C. Disposition

Upon review of the record, we will deny the Petition. In analyzing the requirements for an applicant seeking authority to operate as a motor common carrier of persons in limousine service in the Commonwealth, the applicant must satisfy the standards in Section 1103(a) of the Code, 66 Pa.C.S. § 1103(a), and in the Commission's Regulations by demonstrating, *inter alia*, that it has the technical ability to provide the proposed service. 52 Pa. Code § 41.14. Accordingly, one of the Commission Policy Statement factors we use in evaluating the Applicant's technical fitness is "[w]hether 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)." 52 Pa. Code § 41.14(4).

To summarize, Mirra, in its Application, stated that, at this time, its owner will be the sole driver for Mirra and only one vehicle will be used to conduct the requested service. However, Mirra indicated that, as the business grows and demand increases, it does plan to hire additional drivers to expand service offering. Application at 6. In the event that Mirra were to expand, TUS, in its *September 8 and September 24 Data Requests*, directed Mirra to provide, *inter alia*, its record retention policies for both criminal and driving motor vehicle records; specifically, how the policies comply with Sections 29.505(b)(3) and 29.504(b)(3) of the Commission's Regulations, 52 Pa Code

§§ 29.505(b)(3) and 29.504(b)(3). In response, Mirra, *inter alia*, reiterated and elaborated on previously submitted information pertaining to Mirra’s purported compliance with the Commission’s Regulations at 52 Pa. Code §§ 29.501 to 29.509 (Driver Regulations). However, Mirra did not adequately answer TUS’ questions specifically related to how Mirra’s record retention policies for both criminal history and driving motor vehicle records comply with Sections 29.505(b)(3) and 29.504(b)(3) of the Commission’s Regulations, 52 Pa Code §§ 29.505(b)(3) and 29.504(b)(3). Subsequently, the *October 2025 Secretarial Letter* denied and dismissed Mirra’s Application because Mirra failed to establish technical fitness to operate.

Of particular note, the Commission’s Regulations to which TUS referred in its data requests, and which Mirra’s stated record retention policies do not fully comply with, are as follows:

§ 29.504. Diver history.

* * *

(b) *Call or demand and limousine drivers.*

* * *

(3) A copy of the driver history shall be maintained by the call or demand or limousine driver for at least 2 years.

52 Pa Code § 29.504(b)(3).

§ 29.505. Criminal history.

* * *

(b) *Call or demand and limousine drivers.*

* * *

(3) *Record retention.* A copy of the criminal history shall be maintained by the call or demand or limousine driver for at least 3 years.

52 Pa Code § 29.505(b)(3).

Mirra’s Petition, wherein the Applicant simply provides a “revised” Driver Hiring and Employment Policy, containing similar deficiencies as those contained in its Responses to TUS’ *September 8 and September 24 Data Requests*, fails to persuade us to grant reconsideration of the *October 2025 Secretarial Letter*. Mirra’s general assertion that all candidates’ (hired or not hired) annual driving and criminal history records will be maintained in a Driver Profile Record Filing System, both in a physical location at the business as well as electronically, does not fully comply with Sections 29.505(b)(3) and 29.504(b)(3) of the Commission’s Regulations, 52 Pa Code §§ 29.505(b)(3) and 29.504(b)(3); nor does its “revised” Driver Hiring and Employment Policy attached to its Petition, stating that “[a]ll employment, screening, and training records will be kept in the company's central office and made available to the PUC upon request.” Petition, Attachment. The Applicant’s policy fails to specify compliance with the retention period requirements, regarding driving and criminal history records.

Therefore, we are unable to conclude that Mirra satisfies the fitness standard at 52 Pa. Code § 41.14(1). Thus, we find no error in the determination of the *October 2025 Secretarial Letter* to deny the Application on the basis of the failure of Mirra to establish technical fitness to operate. Accordingly, for the foregoing reasons, we find that these factors militate against granting the Petition under the circumstances. However, we note that if Mirra has details and evidence that demonstrate and satisfy all of the fitness standards in the Commission’s Policy Statement at 52 Pa. Code § 41.14(1)-(6), as well as the driver history and criminal history record retention requirements under 52 Pa. Code §§ 29.504-505, Mirra may file a new application with the Commission, if it so chooses.

III. Conclusion

For the reasons set forth above, we shall deny the Petition, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Petition for Reconsideration from Staff Action, filed by Mirra Car Service, LLC on October 28, 2025, at Docket No. A-2025-3057218, is denied, consistent with this Opinion and Order.
2. That this proceeding, at Docket No. A-2025-3057218 be marked closed.

BY THE COMMISSION,



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: December 18, 2025

ORDER ENTERED: December 18, 2025