

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

Public Meeting held January 15, 2026

Commissioners Present:

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

Application of ESPERTE EVENTS LLC

A-2025-3057112
A-6428239

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is a Petition for Reconsideration from Staff Action (Petition), filed by ESPERTE EVENTS LLC (Applicant or ESPERTE), on December 1, 2025, relative to the above-captioned proceeding.¹ The Secretarial Letter to which the Petition refers was issued on November 17, 2025 (*November 2025*)

¹ According to the Pennsylvania Department of State, the Applicant's registered legal name is "ESPERTE EVENTS LLC."

Secretarial Letter).² No Answer to the Petition has been filed. For the reasons that follow, we shall grant the Petition, conditionally rescind the *November 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 Proceeding

On August 21, 2025, ESPERTE filed an Application for Motor Common Carrier of Persons in Group and Party Service of 16 or More Passengers, Including the Driver (Application) with the Commission.³ Application at 1.

On September 4, 2025, TUS issued a Secretarial Letter (*September 2025 Secretarial Letter*) indicating that the Application was conditionally approved and that a certificate of public convenience would be issued upon ESPERTE having its insurer file an acceptable Form E as proof of bodily injury and property damage liability insurance with the Commission.⁴ *September 2025 Secretarial Letter* at 1. The *September 2025 Secretarial Letter* also stated, in pertinent part, that failure to file the required evidence of insurance within sixty (60) days from the date of the *September 2025 Secretarial Letter*, or no later than November 3, 2025, “**CAN RESULT IN THE DISMISSAL OF THE**

² Because the Petition challenges the action taken in the *November 2025 Secretarial Letter* and was filed within twenty (20) days of the issuance of the *November 2025 Secretarial Letter*, we shall regard the Petition as a Petition for Reconsideration from Staff Action, pursuant to 52 Pa. Code § 5.44(a).

³ We note that the Verification of Application included in ESPERTE’s Application was signed by “Steven Schluentz,” identified as a member of ESPERTE. Application at 2-3.

⁴ The *September 2025 Secretarial Letter* also indicated that insurance filings are accepted online via Tyler Insurance Filings (Tyler). *September 2025 Secretarial Letter* at 1.

APPLICATION AND REQUIRE THE FILING OF A NEW APPLICATION AND FILING FEE.”⁵ *Id.* at 2 (emphasis in original).

On November 17, 2025, the Commission issued the *November 2025 Secretarial Letter* dismissing the Application. In pertinent part, the *November 2025 Secretarial Letter* stated as follows:

More than sixty (60) days ago, you received [the *September 2025 Secretarial Letter*] stating that the [Commission] approved your [A]pplication for authority, conditioned upon your compliance with specific requirements within sixty (60) days. To date, you have not complied with one or more of the following requirements:

Failed to have your insurance company file evidence of bodily injury and property damage liability insurance (Form E) with this Commission

DISPOSITION – DISMISSAL

Since this Commission has not received all of the requirements listed in [the *September 2025 Secretarial Letter*] within sixty (60) days, **YOUR APPLICATION IS HEREBY DISMISSED** for non-compliance. **YOU MAY NOT OPERATE.** A CERTIFICATE WILL NOT BE ISSUED.

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

Additionally, the *November 2025 Secretarial Letter* informed ESPERTE that, if it disagreed with the Commission’s determination, then it could submit a

⁵ As noted, *supra*, the *September 2025 Secretarial Letter* was issued on September 4, 2025. Therefore, pursuant to the directives of the *September 2025 Secretarial Letter*, ESPERTE was required to have its insurer file the required evidence of insurance within sixty (60) days from the date of the *September 2025 Secretarial Letter* was issued, or November 3, 2025.

Petition for Reconsideration from Staff Action with the Commission’s Secretary within twenty (20) days of the date of the *November 2025 Secretarial Letter*. Further, the *November 2025 Secretarial Letter* 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. *November 2025 Secretarial Letter* at 1-2.

As noted, *supra*, on December 1, 2025, ESPERTE timely filed the instant 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, 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).

When evaluating appeals from a Commission staff action, under 52 Pa. Code §§ 5.44, the applicable legal standard is that the moving party has the burden of proof. *See, e.g., Application of Airquest*, Docket No. A-2015-2493073 (Order entered December 8, 2016) (*Application of Airquest*) (request for reconsideration of Secretarial

Letter denying application for failure to comply with conditions); *Application of Department of Transportation (Norfolk)*, Docket No. A-2018-3003795 (Order entered November 14, 2019) (request for reconsideration of Secretarial Letter approving application with conditions). In this proceeding, ESPERTE is the party seeking affirmative relief from the Commission. Therefore, ESPERTE is the party with the burden of proof.

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.

Additionally, under Section 512 of the Public Utility Code (Code), the Commission has the authority to require insurance. 66 Pa.C.S. § 512. Commission Regulations prohibit a common carrier of property from engaging in intrastate commerce, and no certificate of public convenience will be issued until a certificate of insurance from an insurer authorized to do business in Pennsylvania has been filed and approved by the Commission. 52 Pa. Code § 32.12. Furthermore, a common carrier of property shall file cargo liability insurance in accordance with Commission Regulations. 52 Pa. Code § 32.13.

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. ESPERTE’s Petition

The six-page Petition consists of the following: (1) two numbered paragraphs in response to the *November 2025 Secretarial Letter*; (2) a verification statement signed by “Steven Schluentz;” (3) copies of two single-page documents from “Berkshire Hathaway Homestate Insurance Company:” (a) one entitled “GENERAL CHANGE ENDORSEMENT” for “ESPERTE EVENTS LLC,” effective August 25, 2025; and (b) one entitled “PENNSYLVANIA FINANCIAL RESPONSIBILITY IDENTIFICATION CARD” for “ESPERTE EVENTS LLC,” effective May 9, 2025; (4) a screenshot of an email chain dated October 14, 2025, between “Steven Schluentz” and “SAL VACCHIANO” with the subject line “Trolley insurance;” and (5) a copy of the *November 2025 Secretarial Letter*.⁶ Petition at 1-6.

In response to the *November 2025 Secretarial Letter*, the Applicant states that ESPERTE’s Application was dismissed because ESPERTE “was unable to provide insurance for the vehicle in question.”⁷ Further, the Applicant asserts that ESPERTE’s insurance advisor, “Sal Vacchiano,” confirmed that he timely “sent in the insurance” on three separate occasions. Moreover, the Applicant avers that on the third occasion,

⁶ As previously noted, “Steven Schluentz” is identified as a member of ESPERTE. *See* Application at 3.

⁷ As noted, *supra*, ESPERTE’s Application was dismissed for ESPERTE’s failure to have its insurance company file a Form E as evidence of bodily injury and property damage liability insurance, with this Commission. *See November 2025 Secretarial Letter* at 1.

ESPERTE's insurance agent "verif[ied] that you all have received it." Petition at 1. The Applicant continues:

Since I cannot send in my insurance information on my own and am dependent on my carrier and agent to send in this information, I ask that you grant my appeal as we have all the documentation to you at this time. I included a screenshot of an email asking for verification of insurance being sent and Sal confirming that it was sent. I also included the insurance here in question that it is in force and the vehicle has proper insurance. [sic]

Id.

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 (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 Petition and the associated record documents, we shall grant the Petition. Our Regulation at 52 Pa. Code § 1.15(a)(1) gives us the authority to extend a deadline, after the deadline has passed, where reasonable grounds are shown for the failure to act. On review of the Petition, we find that the Applicant, ESPERTE, has shown reasonable grounds upon which to grant reconsideration. Under the circumstances of the instant case, rather than dismissing the conditional approval of ESPERTE's Application, we deem it is reasonable to extend the deadline for ESPERTE to have its insurance company/agent file evidence of bodily injury and property damage liability insurance (Form E) within thirty (30) days of the entry of this Opinion and Order. *See Application of Sollenberger Hauling LLC*, Docket No. A-2025-3054672

(Opinion and Order entered September 30, 2025); *Application of Woodrow Cothran, Jr., t/a Moving Others Around Safely*, Docket No. A-2019-3011840 (Opinion and Order entered April 30, 2020).

As noted, the Applicant appears to have proof of insurance. Further, the averments raised by the Applicant in its Petition indicate that ESPERTE took action to address the directives identified by TUS in the *September 2025 Secretarial Letter*. Namely, the Applicant states that on three separate occasions, it contacted its insurance agent to verify that the agent timely “sent in the insurance.” Petition at 1. However, our records show no evidence of the filing of a Form E by ESPERTE’s insurer.

Notwithstanding, we find that the Applicant has demonstrated a good faith effort to rectify the issues that led to the Application’s dismissal by including, in its Petition, documents pertaining to auto insurance information for ESPERTE. Petition at 2-3. While we neither make a determination as to whether the documents attached to the Petition cure the defects identified in the *November 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 in order to afford TUS an opportunity to consider the matters.

We find that the Applicant has provided information with its Petition in an apparent attempt to correct deficiencies identified in the *November 2025 Secretarial Letter*. In view of ESPERTE’s attempt to provide additional documentation, we conclude that, under the circumstances in this case, it is appropriate and reasonable to conditionally rescind the *November 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 the Petition and referring this matter to TUS for further consideration is a more efficient use of both the Commission's and ESPERTE'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 ESPERTE that, to facilitate any further evaluation of the Application, timely and complete submission of all additional information, document requests, and filings is expected. While we take no position on the merits of ESPERTE's Application at this time, we wish to emphasize to ESPERTE 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 will grant the Petition and provide ESPERTE with an additional thirty days to either have its insurance provider file evidence of bodily injury and property damage liability insurance (*i.e.*, Form E), in accordance with our Regulations, or to find a provider that will comply with the Commission's requirements. Failure to comply with this Opinion and Order will result in the *November 2025 Secretarial Letter* remaining in effect and being the final action of the Commission.

III. Conclusion

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

IT IS ORDERED:

1. That the Petition for Reconsideration from Staff Action, filed by ESPERTE EVENTS LLC, on December 1, 2025, at Docket No. A-2025-3057112, is granted, consistent with this Opinion and Order.

2. That the Secretarial Letter issued on November 17, 2025, at Docket No. A-2025-3057112, is conditionally rescinded, contingent upon compliance and completion by ESPERTE EVENTS LLC with the directive outlined in Ordering Paragraph No. 3, below.

3. That within thirty (30) days of the entry date of this Opinion and Order, ESPERTE EVENTS LLC shall have its insurer file evidence of bodily injury and property damage liability insurance (Form E) with the Commission.

4. That this matter is referred to the Commission's Bureau of Technical Utility Services for such further action as may be warranted.

5. That if ESPERTE EVENTS LLC fails to comply with Ordering Paragraph No. 3, above, the Secretarial Letter issued on November 17, 2025, at Docket No. A-2025-3057112, shall be the Commission's final action in this proceeding.

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: January 15, 2026

ORDER ENTERED: January 15, 2026