

**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 CLH Transportation Services LLC

A-2025-3054689
A-6427918

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Rescission (Petition) filed by CLH Transportation Services LLC (CLH Transportation or Applicant), on October 31, 2025, relative to the above-captioned proceeding. The Secretarial Letter for

which the Applicant seeks rescission was issued on September 22, 2025 (*September 2025 Secretarial Letter*).¹

In its Petition, CLH Transportation requests reconsideration of the *September 2025 Secretarial Letter* that denied and dismissed the Application for CLH Transportation's failure to: (1) have its insurance company file evidence of bodily injury and property damage liability insurance (Form E) with the Commission; and (2) file a tariff establishing just and reasonable rates. No Answer to the Petition has been filed.

For the reasons set forth herein, we shall grant the Petition, conditionally rescind the *September 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 April 22, 2025, the Applicant filed an Application to begin service as a Motor Common Carrier of Persons in Limousine Service (Application) with the

¹ Pursuant to 52 Pa. Code § 5.44(a), Petitions for Reconsideration from Staff Action must be filed within twenty days following the service of notice of the Staff Action from which reconsideration is sought. Because the Petition challenges the action taken in the *September 2025 Secretarial Letter*, but was not filed within twenty days of the issuance of the *September 2025 Secretarial Letter*, we shall exercise our discretion under Section 1.2(a) of our Regulations, 52 Pa. Code § 1.2(a), and regard the Petition as a Petition for Rescission, pursuant to 52 Pa. Code § 5.572(d).

Commission.² Application at 1. In its Application, CLH Transportation requested authority to transport people between each county within Pennsylvania.³ *Id.* at 3.

On May 31, 2025, the Commission published notice of the Application in the Pennsylvania Bulletin,⁴ establishing June 16, 2025, as the deadline for protests. No protests were filed.

On July 7, 2025, the Commission issued a Secretarial Letter (*July 2025 Secretarial Letter*) advising the Applicant that the Commission had reviewed and approved the Application, conditioned upon the Applicant satisfying certain requirements within 60 days, including: (1) providing an acceptable Form E, that was, *inter alia*, filed by an insurance company;⁵ (2) providing a draft tariff, as directed; and (3) receiving a

² The Verification of Application included in CLH Transportation’s Application was signed by Mr. Collis Hemerding, identified as the sole member of CLH Transportation. Application at 2, 4.

³ We note that CLH Transportation, in its Application, provided an e-mail address. We further note that immediately under the space where CLH Transportation provided its e-mail address, the Application indicates the following: “*This is the e-mail address to which the Commission will send all official documents issued by the Commission until further notice.*” Application at 2, ¶ 6 (emphasis in original).

⁴ See 55 Pa.B. 3847.

⁵ The *July 2025 Secretarial Letter* also indicated that insurance filings are accepted online via Tyler Insurance Filings. *July 2025 Secretarial Letter* at 1.

Certificate of Public Convenience issued by the Commission. *July 2025 Secretarial Letter* at 1. The *July 2025 Secretarial Letter* also stated, in pertinent part, as follows:

FAILURE TO COMPLY WITH ANY PROVISION OF THIS LETTER WITHIN SIXTY (60) DAYS OF THE DATE OF THIS LETTER WILL RESULT IN THE DISMISSAL OF THE APPLICATION AND REQUIRE THE FILING OF A NEW APPLICATION AND FILING FEE.

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

On September 22, 2025, the Commission issued the *September 2025 Secretarial Letter* dismissing the Application. In pertinent part, the *September 2025 Secretarial Letter* stated, as follows:

More than sixty (60) days ago, you received [the *July 2025 Secretarial Letter*] stating that the [Commission] approved your [A]pplication for Limousine 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

Failed to file a tariff establishing just and reasonable rates

DISPOSITION – DISMISSAL

Since this Commission has not received all of the requirements listed in [the *July 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.

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

Additionally, the *September 2025 Secretarial Letter* informed CLH Transportation 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 (20) days of the date of the *September 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. *September 2025 Secretarial Letter* at 1-2.

As noted, *supra*, on October 31, 2025, CLH Transportation filed the instant Petition.⁶ No response to the Petition has been filed.

⁶ As noted above, CLH Transportation's Petition was filed untimely. Nevertheless, we will exercise our discretion to consider the Petition, pursuant to our Regulation at 52 Pa. Code § 1.2(a), which permit us to disregard an error or defect of procedure which does not affect the substantive rights of the parties. 52 Pa. Code § 1.2(a). Our determination to consider CLH Transportation's untimely Petition is made in recognition of the facts that CLH Transportation is an Applicant filing the instant Application and the associated Petition for the first time, and that no objections to the Petition have been raised. We caution CLH Transportation that any further untimely submissions may not warrant the same consideration and could form the basis for the delay in processing, or in the outright dismissal of the Application.

II. Discussion

A. Legal Standards

CLH Transportation, as the Petitioner and Applicant, is the proponent of a rule or order from the Commission. As the proponent of a rule or order in this proceeding, CLH Transportation bears the burden of proof pursuant to Section 332(a) of the Public Utility Code (Code), 66 Pa.C.S. § 332(a).

The Code establishes a party's right to seek relief following the issuance of our final decisions, pursuant to Subsections 703(f) and (g), 66 Pa.C.S. § 703(f) and § 703(g), relating to rehearings, as well as the rescission and amendment of orders. Such requests for relief must be consistent with Section 5.572 of our Regulations, 52 Pa. Code § 5.572, relating to petitions for relief following the issuance of a final decision.

A petition for rescission or amendment can be filed at any time. *See* 66 Pa.C.S. § 703(g) and 52 Pa. Code § 5.572(d).

By the terms of Section 703(g) of the Code, the Commission has the power to amend or rescind its own orders at any time, subject only to the requirements of due process. Section 703(g) of the Code states:

The commission may, at any time, after notice and after opportunity to be heard as provided in this chapter, rescind or amend any order made by it. Any order rescinding or amending a prior order shall, when served upon the person, corporation, or municipal corporation affected, and after

notice thereof is given to the other parties to the proceedings, have the same effect as is herein provided for original orders.

66 Pa.C.S. § 703(g); *see also*, *Department of Highways v. Pa. PUC*, 185 Pa. Super. 418, 138 A.2d 143 (1958).

In exercising Commission authority to amend or rescind an order pursuant to Section 703(g) of the Code, the Supreme Court of Pennsylvania has stated: “Because such relief may result in disturbance of final orders, it must be granted judiciously and only under appropriate circumstances.” *See City of Pittsburgh v. Pennsylvania Department of Transportation*, 490 Pa. 264, 416 A.2d 461 (1980); *see also West Penn Power Co. v. Pa. PUC*, 659 A.2d 1055, 1056 (Pa. Cmwlth. 1995) (*West Penn Power*); *see also Richard Feleccia v. PPL Electric Utilities Corporation, d/b/a PPL Utilities and Barbara A. Lima*, Docket No. C-20016210 (Opinion and Order entered March 7, 2003) (*Feleccia*).

Additionally, we recognize that while a petition under Section 703(g) may “properly raise any matter designed to convince the commission that it should exercise its discretion . . . to rescind or amend a prior order in whole or in part”, at the same time “[p]arties . . . cannot be permitted by a second motion to review and reconsider, to raise the same questions which were specifically considered and decided against them.” *Duick v. Pennsylvania Gas and Water Company*, Docket No. C-R0597001 *et al.*, 56 Pa. P.U.C. 553 (Opinion and Order entered December 17, 1982) (*Duick*) (quoting *Pennsylvania Railroad Co. v. Pennsylvania Public Service Commission*, 179 A. 850, 854 (Pa. Sup. 1935)). Such petitions are likely to succeed only when they raise “new and novel arguments” not previously heard or considerations which appear to have been overlooked or not addressed by the Commission. As we stated in *Duick*:

What we expect to see raised in such petitions are new and novel arguments, not previously heard, or considerations which

appear to have been overlooked or not addressed by the commission. Absent such matters being presented, we consider it unlikely that a party will succeed in persuading us that our initial decision on a matter or issue was either unwise or in error.

Duick at 559. With respect to petitions for rescission, specifically, we have stated that in order “[t]o establish a proper basis for rescission, a petitioner must first establish the existence of newly discovered evidence, a substantial change in circumstances, or an error of fact or law.” *Feleccia*, slip op. at 3 (citing *Duick* at 559).

A Commission decision to deny a petition for rescission or amendment is a matter squarely within its discretion, subject to being overturned only where a reviewing court finds “the agency’s decision demonstrates evidence of bad faith, fraud, capricious action or abuse of power.” *West Penn Power*, 659 A.2d at 1065.

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 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.

B. Petition

The Petition consists of a one-page, typed response to the *September 2025 Secretarial Letter*. Petition at 1.

In the Petition, the Applicant’s sole member, Mr. Hemerding, explains that due to a family emergency, he had to travel outside of the country. Mr. Hemerding claims that when he was outside of the country, he was unable to receive the *July 2025 Secretarial Letter* and respond in a timely manner. Petition at 1.

Accordingly, Mr. Hemerding requests reconsideration of the *September 2025 Secretarial Letter*, which dismissed CLH Transportation’s Application. Petition at 1.

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 CLH Transportation has shown reasonable grounds upon which to grant reconsideration. The Applicant established that Mr. Hemerding was out of the country and unable to receive and comply with the *July 2025 Secretarial Letter*. Under the circumstances of the instant

case, rather than dismissing the conditional approval of CLH Transportation's Application, we deem it is reasonable to extend the deadline for CLH Transportation to: (1) file an acceptable tariff; and (2) 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 Woodrow Cothran, Jr., t/a Moving Others Around Safely*, Docket No. A-2019-3011840 (Opinion and Order entered April 30, 2020).

Accordingly, we shall refer this matter to TUS to continue processing the Application and shall allow CLH Transportation an additional thirty (30) days in which to provide all requisite 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 CLH Transportation's resources at this stage of the proceeding.

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

Therefore, we will grant the Petition and provide CLH Transportation with an additional thirty (30) days to: (1) 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 who will comply with the Commission's requirements; and (2) file an acceptable tariff. Failure to comply with this Opinion and Order will result in the *September 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 *September 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 Rescission, filed by CLH Transportation Services LLC, on October 31, 2025, at Docket No. A-2025-3054689, is granted, consistent with this Opinion and Order.
2. That the Secretarial Letter issued on September 22, 2025, at Docket No. A-2025-3054689, is conditionally rescinded, contingent upon compliance and completion by CLH Transportation Services 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, CLH Transportation Services LLC shall: (1) have its insurer file evidence of bodily injury and property damage liability insurance (Form E) with the Commission; and (2) file a tariff establishing just and reasonable rates.
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 CLH Transport Services LLC fails to comply with Ordering Paragraph No. 3 above, the Secretarial Letter issued on September 22, 2025, at Docket No. A-2025-3054689, 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