

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

Public Meeting held March 26, 2026

Commissioners Present:

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

Application of Little Wolf Transport LLC

A-2025-3057753  
A-8928315

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for disposition is a Petition for Reconsideration from Staff Action (Petition), filed by Little Wolf Transport LLC (Applicant or Little Wolf Transport) on December 29, 2025, relative to the above-captioned proceeding. The Petition challenges a Secretarial Letter issued by the Commission's Bureau of Technical Utility Services (TUS) on December 11, 2025 (*December 2025 Secretarial Letter*).<sup>1</sup> No Answer to the Petition has been filed.

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<sup>1</sup> The Petition was timely filed within twenty days after issuance of the *December 2025 Secretarial Letter*. Consequently, we shall regard the Petition as a Petition for Reconsideration from Staff Action pursuant to 52 Pa. Code § 5.44(a).

For the reasons set forth below, we will grant the Petition, conditionally rescind the *December 2025 Secretarial Letter*, and refer this matter to TUS for such further action as appropriate, consistent with this Opinion and Order.

## I. History of Proceeding

On September 24, 2025, Mr. Marcio Gonzalez filed an Application for Motor Common Carrier of Property with the Commission on behalf of Little Wolf Transport.<sup>2</sup> Application at 1. In its Application, Little Wolf Transport requested authority to transport general freight between points in Pennsylvania.<sup>3</sup> *Id.* at 3.

On October 2, 2025, TUS issued a Secretarial Letter (*October 2025 Secretarial Letter*). The *October 2025 Secretarial Letter* informed the Applicant that the Application was conditionally approved and that a certificate of public convenience would be issued once the Applicant caused its insurance company to file an acceptable Form E and Form H with the Commission showing proof of bodily injury and property damage liability insurance.<sup>4</sup> *October 2025 Secretarial Letter* at 1. The *October 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**

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<sup>2</sup> We note that the Verification of Application included in Little Wolf Transport's Application was signed by Mr. Marcio J. Gonzalez, identified as the sole member of Little Wolf Transport. Application at 2-3.

<sup>3</sup> We note that Little Wolf Transport's Application provided an e-mail address as *wildhorses195@gmail.com*. We further note that the Applicant provided its Commonwealth of Pennsylvania Corporation Bureau number, 3611047, and their US Department of Transportation number 2541254. Application at 1 and 2.

<sup>4</sup> The *October 2025 Secretarial Letter* further informed the Applicant that insurance filings are accepted online via Tyler Insurance Filings (Tyler). *October 2025 Secretarial Letter* at 1.

**DISMISSAL OF THE APPLICATION AND REQUIRE THE FILING OF A NEW APPLICATION AND FILING FEE.**

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

On December 11, 2025, the Commission issued the *December 2025 Secretarial Letter*. The *December 2025 Secretarial Letter* dismissed the Application for failure of the Applicant to cause its insurance company to file all of the above required forms in a timely fashion. In pertinent part, the *December 2025 Secretarial Letter* stated, as follows:

More than sixty (60) days ago, you received [the *October 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 cargo liability insurance (Form H) with this Commission**

**DISPOSITION – DISMISSAL**

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

*December 2025 Secretarial Letter* at 1 (emphasis in original).

The *December 2025 Secretarial Letter* also informed Little Wolf Transport that it could submit a Petition for Reconsideration from Staff Action if it disagreed with

the above determination. TUS also provided 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. *December 2025 Secretarial Letter* at 1-2.

On December 29, 2025, Little Wolf Transport timely filed the instant Petition, along with insurance documentation. The filing also contained an explanation for the Applicant's inaction. 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, Little Wolf Transport is the

party seeking affirmative relief from the Commission. Therefore, Little Wolf Transport 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) (*610 Hauling*) (citing *Se-Ling Hosiery, Inc. v. Margulies*, 70 A.2d 854 (Pa. 1950) (*Se-Ling Hosiery*)).

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)).

In order to make the determination whether granting a certificate is necessary or proper for the service, accommodation, 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 the Commission examines when deciding 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.

**B. Petition**

The Petition consists of a one-page, handwritten note addressing the dismissal set out in the *December 2025 Secretarial Letter* and is signed by Mr. Gonzalez. Therein, the Applicant explains that the proof of insurance was not submitted before the deadline set out in the *October 2025 Secretarial Letter* because the Applicant was told that the insurance company had filed the required Form H with the Commonwealth of Pennsylvania. The Applicant states that it assumed that the Commission received the information. Petition at 1. Little Wolf Transport further also states its belief that the Petition before us today now contains all of the required insurance information. Petition at 1.

In support of reconsideration, the Petition contains a multi-page attachment. The attachment consists of: (1) a Certificate of Liability Insurance issued by Progressive Insurance Company for Little Wolf Transport; (2) New Policy information on Little Wolf Transport's coverage by Progressive Insurance starting on August 22, 2025; (3) a Commercial Auto Insurance Coverage Summary by Progressive Insurance for Little Wolf Transport; and (4) a Commercial Auto Insurance Bill issued by Progressive Insurance for Little Wolf Transport. Petition Attachments at 2-11. As previously noted, the Applicant seeks reconsideration of the *December 2025 Secretarial Letter* dismissing Little Wolf Transport's Application. Petition at 1.

### C. Disposition

In considering this 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.

Upon review of the Petition and the attachments, we shall grant the Petition and extend the deadline for filing the proof of insurance by an additional thirty (30) days. The 30-day period dates from entry of an Opinion and Order on the Petition. This gives the Applicant and TUS any further time they might need to address the documentation required under our rules and to consider the merits of the Application.

This extension is consistent with our Regulation at 52 Pa. Code § 1.15(a)(1), which authorizes the Commission to extend a deadline where reasonable grounds are shown for the failure to act. On review of the Petition, we conclude that the Applicant has established reasonable grounds to grant a 30-day extension based on the Petition and attachments. A 30-day extension gives TUS additional time to determine if the insurance information is complete. Little Wolf Transport will have an additional 30-days to cause its insurance company to provide proof of insurance for cargo liability insurance (Form H). *See Application of Woodrow Cothran, Jr., t/a Moving Others Around Safely*, Docket No. A-2019-3011840 (Opinion and Order entered April 30, 2020).

We conclude it is a better use of Commission and Applicant resources to overlook the lapse on the deadline to file a Form H and give the Applicant an opportunity to correct that lapse rather than to dismiss the Application. In our view, a dismissal at this stage would simply require the filing of another application that is very likely to contain the same information.

However, we stress that this decision in no way constitutes a determination as to whether the attachments in the Petition constitute the requisite proof of insurance Form H required under our Regulations, nor do we make any determination as to the Applicant's fitness at this time. We also want to emphasize to Little Wolf Transport that it must fully and timely comply with all information requests and requirements identified by TUS so that TUS may evaluate the Application. Further, we remind Little Wolf Transport that if it is ultimately certificated, that it has an ongoing obligation to make certain that its insurer timely files the proof of insurance required under our rules.

Accordingly, we will grant the Petition and provide Little Wolf Transport an additional thirty (30) days from entry date of this Opinion and Order to cause its insurance Company to file its proof of insurance of cargo liability insurance (*i.e.*, Form H), and any other needed information required under our Regulations with the Commission, so that TUS is satisfied and can evaluate the Applicant's fitness. The failure to submit that information to TUS within this additional thirty day period will make the *December 2025 Secretarial Letter* the final action of the Commission and the Application will be dismissed.

### **III. Conclusion**

For the reasons discussed herein, we will (1) grant the Petition; (2) conditionally rescind the *December 2025 Secretarial Letter* for a period of 30 days dating from entry of this Opinion and Order; and (3) refer this matter to TUS for such further action as may be deemed warranted, including working with the Applicant, as set out in this Opinion and Order. TUS will be expected to determine what proof of insurance is required and whether the Applicant is fit to provide service; **THEREFORE,**

**IT IS ORDERED:**

1. That the Petition for Reconsideration from Staff Action, filed by Little Wolf Transport LLC, on December 29, 2025, at Docket No. A-2025-3057753, is granted, consistent with this Opinion and Order.

2. That the Secretarial Letter issued on December 11, 2025, at Docket No. A-2025-3057753, is conditionally rescinded, contingent upon compliance and completion by Little Wolf Transport 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, Little Wolf Transport LLC shall cause its insurer to file the requisite proof of insurance of evidence of cargo liability insurance (Form H) with the Commission's Bureau of Technical Utility Services, including any other information required by the Commission's Bureau of Technical Utility Services under the Commission's Regulations.

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 Little Wolf Transport LLC fails to comply with Ordering Paragraph No. 3 above, the Secretarial Letter issued on December 11, 2025, at Docket No. A-2025-3057753, shall be the Commission's final action in this proceeding and the matter dismissed.

**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: March 26, 2026

ORDER ENTERED: March 26, 2026