

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

Public Meeting held April 16, 2026

Commissioners Present:

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

Cancellation of Certificate of Public  
Convenience of FRANKLIN STORAGE, LP

A-2011-2243351  
M-2026-3059643  
A-8913573

**OPINION AND ORDER**

**BY THE COMMISSION:**

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Reinstatement of Operating Authority and Request for Expedited Treatment (Petition for Reinstatement), filed on April 1, 2026, by FRANKLIN STORAGE, LP (FRANKLIN or Petitioner), in the above-captioned proceedings.<sup>1</sup> The Secretarial Letter to which the Petition for Reinstatement refers was issued on March 26, 2026 (*March 2026 Secretarial Letter*), which cancelled the Petitioner's Certificate of Public Convenience in the above-captioned dockets. Also, before the Commission is the Petition to Withdraw filed on April 3, 2026, seeking

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<sup>1</sup> According to the Pennsylvania Department of State, the Petitioner's registered legal name is "FRANKLIN STORAGE, LP."

withdrawal of the Petition for Reinstatement (Petition to Withdraw, collectively the Petitions), based upon the filing of the new Application filed on April 3, 2026, at Docket Nos. A-2026-3061521 and A-8913573 (New Application), seeking the same authority to provide service addressed by the Petition for Reinstatement.<sup>2</sup> No objections to the Petitions have been filed. For the reasons set forth below, we will grant the Petition to Withdraw and deny the Petition for Reinstatement as moot, consistent with this Opinion and Order.

### I. History of Proceeding

On June 7, 2011, FRANKLIN filed an Application for Motor Common Carrier of Property (Original Application), wherein the Petitioner sought approval to operate as a commercial carrier of property excluding household goods, when providing transportation between points in Pennsylvania. Specifically, FRANKLIN requested authority to transport “[r]olled [p]aper, [l]umber, [and] steel.” Original Application at 1 ¶ 1, and 5 ¶ 7.

On June 7, 2011, the Commission’s Bureau of Technical Utility Services (TUS) issued a Secretarial Letter (*June 7, 2011 Secretarial Letter*) indicating that the Application was conditionally approved and that a certificate of public convenience would be issued upon FRANKLIN having its insurer file with the Commission:

(1) a Form E as proof of bodily injury and property damage liability insurance; and

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<sup>2</sup> Section 5.81(a) of the Commission’s Regulations provides that “[t]he Commission or presiding officer, **with or without motion, may order proceedings involving a common question of law or fact to be consolidated.** The Commission or presiding officer may make orders concerning the conduct of the proceeding as **may avoid unnecessary costs or delay.**” 52 Pa. Code § 5.81(a) (emphasis added).” In the instant matter, it is appropriate to consolidate the Petition for Reinstatement and the Petition to Withdraw, as the Petitions pertain to the same request for operating authority. Therefore, pursuant to 52 Pa. Code § 5.81(a), the Petitions shall be consolidated to avoid unnecessary costs or delay.

(2) a Form H as proof of cargo liability insurance, or an acceptable cargo waiver.  
*June 7, 2011 Secretarial Letter* at 1.

By Secretarial Letter issued June 21, 2011 (*June 21, 2011 Secretarial Letter*), at Docket Nos. A-2011-2243351 and A-8913573, the Commission advised that FRANKLIN had complied with the *June 7, 2011 Secretarial Letter*. *June 21, 2011 Secretarial Letter*. Subsequently, the Commission issued a Certificate of Public Convenience to “Franklin Storage, LP” evidencing the Commission’s approval to operate as a motor common carrier, effective June 21, 2011.

On January 29, 2026, the Commission issued a Tentative Order cancelling the certificates of public convenience for numerous motor carriers, citing their failure to maintain evidence of insurance. *See Cancellation of Certificates of Public Convenience for Motor Carriers; Failure to Maintain Evidence of Insurance*, Docket No. M-2026-3059643 (Tentative Order entered January 29, 2026).

On March 26, 2026, the Commission issued the *March 2026 Secretarial Letter*, wherein it cancelled FRANKLIN’s Certificate of Public Convenience.  
*March 2026 Secretarial Letter* at 2.

As referenced, *supra*, the Petition for Reinstatement was filed on April 1, 2026, and the Petition to Withdraw was filed on April 3, 2026. No objections to the Petitions have been filed.

Also, as previously discussed, on April 3, 2026, at Docket Nos. A-2026-3061521 and A-8913573, FRANKLIN filed its New Application.<sup>3</sup> In its New Application, FRANKLIN sought the same authority that the Petitioner sought in its Original Application (*i.e.*, approval to transport, as a commercial common carrier of property, “[r]olled [p]aper, [l]umber, [and] steel,” between points in Pennsylvania). New Application at 2, 4 ¶ 10; Original Application at 1 ¶ 1, and 5 ¶ 7.

## II. Discussion

### A. Legal Standards

#### 1. Petitions to Withdraw an Uncontested Pleading

The Commission’s Regulations prescribe a process for parties seeking to withdraw pleadings in uncontested matters or proceedings before a final decision by the Commission has been issued. More specifically, Section 1.82 of the Commission’s Regulations, 52 Pa. Code § 1.82, in relevant part, provides:

A party that desires to terminate an uncontested matter or proceeding before final decision by the Commission or otherwise desires to withdraw a submittal or pleading, shall file a petition for leave to withdraw the appropriate document. If no party objects to the petition within 10 days of service, the matter may be stricken by the Commission or by the presiding officer. If upon review the presiding officer or the Commission determines that the public interest requires

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<sup>3</sup> We note that, upon review of the Commission’s case management system, at Docket Nos. A-2026-3061521 and A-8913573, on April 6, 2026, the Commission issued: (1) a Secretarial Letter (*April 2026 Secretarial Letter*), advising, *inter alia*, that FRANKLIN was granted the authority to “transport, as a motor common carrier, property, excluding household goods in use, between points in Pennsylvania;” and (2) a Certificate of Public Convenience to “Franklin Storage, LP” evidencing the Commission’s approval to operate as a motor common carrier, effective April 6, 2026. *See April 2026 Secretarial Letter* at 1 (emphasis omitted).

continuation of the proceedings, the petition will be denied and the staff may be directed to participate.

52 Pa. Code § 1.82(a).<sup>4</sup>

**B. FRANKLIN's Petitions**

**1. FRANKLIN's Petition for Reinstatement**

In its Petition for Reinstatement, the Petitioner avers that due to an administrative oversight, FRANKLIN's insurer did not timely submit a Form E to the Commission. The Petitioner explains, in pertinent part, as follows:

4. [FRANKLIN] transitioned to a new insurance provider effective December 1, 2025, and although coverage remained in full force without interruption, the new provider did not timely submit the required Form E evidencing such coverage.

5. Notwithstanding the administrative oversight in the submission of Form E, [FRANKLIN] has continuously maintained the required level of insurance coverage since its seamless transition to a new insurance provider effective December 1, 2025.

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7. Upon receipt of the [*March 2026 Secretarial Letter*], [FRANKLIN] immediately contacted its insurance provider who submitted the Form E to the Commission on March 31, 2026, evidencing continuous insurance coverage dating back to December 1, 2025.

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<sup>4</sup> While Section 1.82(a) of our Regulations provides that an objection to the Petition to Withdraw may be filed within 10 days of the filing of the Petition, as noted *infra*, in the present case, the new Certificate of Public Convenience was issued on April 6, 2026, rendering the underlying Petition for Reinstatement moot.

8. However, the Commission rejected the Form E on the ground[s] that [FRANKLIN]'s operating authority had been cancel[l]ed and that the motor carrier therefore lacked authority to operate in the Commonwealth.

9. Additionally, [FRANKLIN] has implemented enhanced internal controls to confirm the timely submission of Form E filings by its insurance provider and to ensure appropriate oversight of such matters going forward.

Petition for Reinstatement at 2-3. The Petitioner closes its Petition for Reinstatement by requesting the expedited reinstatement of FRANKLIN's Certificate. *Id.* at 4-5.

## **2. FRANKLIN's Petition to Withdraw**

In its single-page Petition to Withdraw, the Petitioner states that, essentially, FRANKLIN has filed a new application for operating authority for the same service covered by the Petition for Reinstatement, thereby rendering its Petition for Reinstatement moot. Petition to Withdraw.

## **C. Disposition**

In considering the instant Petitions, 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 upon FRANKLIN's filing of its New Application at Docket Nos. A-2026-3061521 and A-8913573, seeking the same authority to operate which FRANKLIN sought under its Petition for Reinstatement (*i.e.*, the authority to transport, as a commercial common carrier of property, "[r]olled [p]aper, [l]umber, [and] steel,"

between points in Pennsylvania), and, subsequently, the Commission issuing a Certificate of Public Convenience to “Franklin Storage, LP” evidencing the Commission’s approval to operate as a motor common carrier, effective April 6, 2026, we shall grant FRANKLIN’s Petition to Withdraw. *See April 2026 Secretarial Letter* at 1, Docket Nos. A-2026-3061521 and A-8913573. Consequently, we shall direct that FRANKLIN’s Petition for Reinstatement be withdrawn.

### **III. Conclusion**

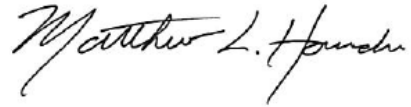
For the reasons discussed herein, we shall: (1) grant FRANKLIN’s Petition to Withdraw; and (2) direct that FRANKLIN’s Petition for Reinstatement be withdrawn, consistent with this Opinion and Order; **THEREFORE,**

#### **IT IS ORDERED:**

1. That the Petition to Withdraw the Petition for Reinstatement filed by FRANKLIN STORAGE, LP, on April 3, 2026, at Docket No. A-2011-2243351, is granted.
2. That the Petition for Reinstatement of Operating Authority and Request for Expedited Treatment filed by FRANKLIN STORAGE, LP, on April 1, 2026, at Docket No. A-2011-2243351, is withdrawn.

3. That this proceeding, at Docket No. A-2011-2243351, is to be marked closed.

**BY THE COMMISSION,**

A handwritten signature in black ink, appearing to read "Matthew L. Homsher". The signature is written in a cursive style with a large initial "M".

Matthew L. Homsher  
Secretary

(SEAL)

ORDER ADOPTED: April 16, 2026

ORDER ENTERED: April 16, 2026