

**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

Application of L&J Better Benefits LLC

A-2025-3058944
A-6428463

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 L&J Better Benefits LLC (Applicant or L&J) on January 14, 2026, relative to the above-captioned proceeding.¹ The Secretarial Letter to which the Petition refers was issued on January 7, 2026 (*January 2026 Secretarial Letter*).² No Answer to

¹ According to the Pennsylvania Department of State, “L&J Better Benefits LLC” is the Applicant’s registered legal name.

² Because the Petition challenges the action taken in the *January 2026 Secretarial Letter* and was filed within twenty (20) days of the issuance of the *January 2026 Secretarial Letter*, we shall regard the Petition as a Petition for Reconsideration from Staff Action, pursuant to 52 Pa. Code § 5.44(a).

the Petition has been filed. For the reasons that follow, we shall deny the Petition, consistent with this Opinion and Order.

I. History of Proceeding

On December 1, 2025, L&J filed an Application for Motor Common Carrier of Persons in Paratransit Service (Application) with the Commission.³

Application at 1. In its Application, the Applicant represented that L&J will provide:

[N]on-emergency medical transportation for: the elderly individual., med persons with disabilities, Medicaid and insurance cover rider, private pay customers. Working in Lehigh county and its surroundings: (Northampton, Berks, Bucks, Monroe, Schuylkill) to points in Pennsylvania[.]

Id. at 3, ¶ 10.⁴ Further, the Verified Statement of Applicant included in L&J’s Application indicated that L&J plans to use a “2019 Infinity QX60 Pure/Luxury” to conduct its requested service. *Id.* at 6, ¶ 6. Moreover, included with the Application was a Statement of Financial Position (Balance Sheet) as of November 22, 2025 (Balance Sheet as of 11/22/25), wherein the Applicant indicated balances of “10.000” in cash and “25.000” in other current assets.⁵ *Id.* at 8. No Protests were filed to the Application.

On December 8, 2025, the Commission’s Bureau of Technical Utility Services (TUS) issued a Data Request (Data Request), wherein TUS notified L&J that

³ We note that the Verification of Application and Verified Statement of Applicant included in L&J’s Application was signed by “Justina Davies,” identified as the owner and sole member of L&J. Application at 2, 4, 7.

⁴ We note that L&J, in its Application, provided an e-mail address. We further note that immediately under the space where L&J provided its e-mail address, the Application indicated 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).

⁵ We note that the Applicant did not report any vehicle assets on the Balance Sheet as of 11/22/25. See Application at 8.

additional information was required within ten (10) working days of the date on the letter, in order for TUS to proceed with the Application. Further, the Data Request instructed L&J that its responses must include a signed verification with an original signature, pursuant to 52 Pa. Code § 1.36, and supplied a sample Verification. Data Request at 1-2. Moreover, the Data Request set forth several requests for information, including: (1) clarification of the specific service that L&J intends to provide;⁶ (2) an adequate answer to Question No. 5 in the Verified Statement of Applicant, regarding compliance with the provisions set forth in 52 Pa Code §§ 29.504-29.505 (related to the frequency of driver criminal record checks, how a driver would be disqualified from employment based on a criminal background check, and how records of driver criminal background checks and driver license/history checks will be maintained); (3) clarification of the preventative maintenance that L&J intends to conduct every 4,000 miles;⁷ (4) a revised and compliant Statement of Financial Position (Balance Sheet) that, *inter alia*, is limited to relevant assets and debts held by L&J; and (5) supporting documentation, including, *inter alia*, copies of: (a) bank statements supporting the exact amounts reported on the Balance Sheet; and (b) vehicle registrations as proof of ownership for any and all vehicles held by L&J.⁸ *Id.* at 3-4.

⁶ We note that this specific question pertains to Question No. 10 in the Application. *See* Application at 3, ¶ 10.

⁷ We note that this specific question pertains to Question No. 7 in the Verified Statement of Applicant. *See* Application at 7, ¶ 7.

⁸ Additionally, TUS, in its Data Request, instructed the Applicant, as follows: “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.” Data Request at 4.

On January 7, 2026, the Commission issued the *January 2026 Secretarial Letter*, wherein it dismissed the Application. In pertinent part, the *January 2026 Secretarial Letter* stated, as follows:

- **Failure to File Required Information.** A [Data Request] dated December 8, 2025,... inform[ed] you that the [Commission] required additional information in order to complete the processing of [L&J's] [A]pplication for authority. The [Data Request] informed you that failure to submit the required information within ten days would result in dismissal of the [A]pplication. To date, more than thirty days later, you have not adequately complied with all aspects of that [Data] [R]equest.

For this reason(s), your [A]pplication is **DENIED** and **DISMISSED**.

January 2026 Secretarial Letter at 1 (emphasis in original).

Additionally, the *January 2026 Secretarial Letter* informed L&J that, if it disagreed with the Commission's determination, then it may submit a Petition for Reconsideration from Staff Action with the Commission's Secretary within twenty (20) days of the date of the *January 2026 Secretarial Letter*. Further, the *January 2026 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. *January 2026 Secretarial Letter* at 1-2.

As noted, *supra*, on January 14, 2026, L&J 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, L&J is the party seeking affirmative relief from the Commission. Therefore, L&J 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, 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 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.

Finally, pursuant to Section 1103(a) of the Public Utility Code (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. L&J’s Petition

The Petition consists of the following: (1) a cover page; (2) nine numbered paragraphs in response to the *January 2026 Secretarial Letter*; (3) two verification statements (one dated January 9, 2026, and one dated January 14, 2026), both signed by “Jestina Davies;”⁹ (4) two copies of page 2 of the *January 2026 Secretarial Letter*, with “Justina Davies” written in the blank space provided in the sample verification statement; (5) a nine-page response to TUS’ Data Request; (6) a statement of L&J’s current assets as of January 9, 2026 (Current Assets Statement as of 1/9/26), indicating total current assets balance of \$800 comprised entirely of a business checking account;¹⁰ (7) a two-page typed document listing several types of equipment; and (8) a single-page of account statement activity from a financial institution for “L&J Better Benefits Llc,” for the

⁹ As previously noted, “Justina Davies” is identified as the owner and sole member of L&J. *See* Application at 2.

¹⁰ The Current Assets Statement as of 1/9/26 does not indicate any vehicle assets. *See* Petition at 16.

reporting period January 1, 2026 to January 13, 2026, indicating a balance on January 13, 2026, of \$809.23. Petition at 1-20.

In response to the *January 2026 Secretarial Letter*, the Applicant explains that L&J failed to respond to TUS' Data Request because the Data Request was filtered into a junk e-mail folder, rather than the Applicant's e-mail inbox.¹¹ Further, the Applicant states that "[d]uring the processing period," she "proactively called the Commission to check on the status" of L&J's Application but "was not informed that additional information was outstanding." Moreover, the Applicant avers, in pertinent part, that: (1) L&J "is prepared to submit all missing or corrected documents immediately upon reinstatement of the [A]pplication;" and (2) the Petition includes "[c]opies of all relevant documents" and "all supplemental information." Finally, the Applicant requests that the Commission grant the Petition and reinstate the Application. Petition at 2.

As noted, *supra*, the Petition includes a Reply to TUS' Data Request, wherein the Applicant represents that L&J intends to provide non-emergency paratransit service to persons age 65 and older, and individuals with disabilities from points in the Counties of Berks, Bucks, Lehigh, Monroe, Northampton, and Schuylkill, to points throughout Pennsylvania, and return. Petition at 7. Further, the Applicant states that, in compliance with Commission Regulations at 52 Pa. Code § 29.505 (regarding driver criminal history), L&J will, *inter alia*: (1) complete and review criminal background checks before a driver is permitted to transport passengers; (2) repeat criminal background checks for all active drivers at least once every twelve (12) months, with additional checks conducted after any incident, complaint, or concern suggesting possible criminal conduct; (3) disqualify an applicant or remove a current driver from duty if their criminal history includes, but is not limited to: (a) any felony involving violence, assault,

¹¹ As noted, *supra*, L&J, in its Application, provided an e-mail address indicating acceptance of e-service. Application at 2, ¶ 6.

robbery, homicide, kidnapping, or similar crimes; (b) any felony or misdemeanor involving sexual assault, abuse, exploitation, or registration as a sex offender; (c) any offense involving abuse, neglect, exploitation, or endangerment of the elderly, disabled persons, or children; (d) any driving under the influence (DUI) or driving while impaired (DWI) conviction within the last 5-10 years, noting that multiple DUI/DWI convictions may permanently disqualify a driver; (e) recent convictions involving theft, fraud, forgery, or similar crimes; and (f) weapons or drug-related offenses; and (4) store and maintain all background check reports and related documentation in a secure and locked physical and/or digital personnel file for at least five (5) years, with access to confidential records limited to authorized management. *Id.* at 7-9, 10.

The Applicant also states that, in compliance with Commission Regulations at 52 Pa. Code § 29.504 (regarding driver history), L&J's system for conducting driver's license/history checks will include the following: (1) pre-employment verification of: (a) a valid Pennsylvania driver's license for the appropriate vehicle type; and, (b) a motor vehicle record (MVR)/driver history report; (2) MVR/driver history checks for all active drivers at least once every 12 months, and a requirement that all active drivers immediately report any license suspensions, revocations, and any serious violation; and (3) disqualification based on license suspension or revocation, DUI/DWI, reckless driving, vehicle assault, or excessive moving violations. Petition at 9.

The Applicant also represents that L&J will perform preventative vehicle maintenance every 4,000 miles, including, *inter alia*: (1) oil and oil filter change, if necessary; (2) check all fluids; (3) inspect belts, hoses, brake pads/shoes, rotors/drums, brake lines, horns, windshield wipers, defrosters, mirrors, doors, latches, locks; (4) check tire pressure and depth; (5) inspect suspension and steering components; (6) test interior and exterior lights (headlights, brake lights, etc.); (7) verify the presence and condition of safety equipment (fire extinguisher, first aid kit, etc.); (8) inspect any wheelchair lifts or ramps for proper operation; and (9) inspect any handrails, steps, and flooring for damage

or hazards. Further, the Applicant notes that L&J will document each instance of preventative maintenance service with: (1) the date of service; (2) vehicle identification number (VIN), license plate number, and fleet number; (3) vehicle mileage at the time of service; (4) a description of the work performed and any parts replaced; and (5) the name of the technician or shop that performed the service. Moreover, the Applicant avers that preventative maintenance records for each vehicle will be retained for at least 5 years and will be available to the Commission upon request. Petition at 10-11.

The Applicant also refers to the Current Assets Statement as of 1/9/26 to represent, in pertinent part, that: (1) L&J has a bank account balance of \$800; (2) L&J has a vehicle to start the business, but that vehicle is not in the name of L&J;¹² and (3) L&J has no liabilities, no purchase agreements, no loans, and no property. Additionally, the Applicant provides a list of “[e]quipment used in business.”¹³ Petition at 11-14.

The Applicant closes the Petition by stating that L&J “is committed to full compliance with all applicable regulations and to providing safe, reliable, and professional non-emergency paratransit services to elderly and disabled passengers within the authorized service area.” Petition at 14.

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

¹² As noted, *supra*, the Balance Sheet as of 11/22/25 and the Current Assets Statement as of 1/9/26 do not indicate any vehicle assets. See Petition at 16, Application at 8.

¹³ As noted, *supra*, the Current Assets Statement as of 1/9/26 indicates a total current assets balance of \$800 comprised entirely of a business checking account. See Petition at 16.

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 record documents, we will deny the Petition. In analyzing the requirements for an applicant seeking authority to operate as a motor common carrier of persons in paratransit 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 equipment necessary 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 fitness is “[w]hether an applicant has sufficient capital, equipment, facilities and other resources necessary to serve the territory requested.” 52 Pa. Code § 41.14(1).

To summarize, L&J, in its Application, indicated that it intends to use one vehicle, a 2019 Infinity QX60 Pure/Luxury, to conduct its requested service. Application at 6, ¶ 6. TUS, in its Data Request, directed L&J to provide, *inter alia*: (1) a revised and compliant Statement of Financial Position, including information limited to, *inter alia*, all relevant assets held by L&J and not the individual members; and, (2) vehicle registrations as proof of ownership for “[a]ny and all claimed vehicles.” Data Request at 4, ¶ 4, b-d. Subsequently, in the *January 2026 Secretarial Letter*, TUS denied and dismissed L&J’s Application because L&J failed to file the requisite information. *January 2026 Secretarial Letter* at 1.

In its Petition, the Applicant includes additional information to address L&J’s policy for hiring, monitoring, and retaining qualified drivers, pursuant to the Commission’s Regulations at 52 Pa. Code §§ 29.504 and 29.505. However, the

Applicant provides no evidence of any vehicle registration or vehicle ownership in the name of L&J. Moreover, the Applicant states the following:

L&J Better Benefits does not have a vehicle in its name yet; I plan to use my personal vehicle for now. Until I buy a van with back ramp in the business name.

* * *

Currently L&J Better Benefits LLC do[es] not own a vehicle, I am starting with my personal vehicle.

* * *

Vehicle titles or registrations showing ownership/registration in the name of L&J Better Benefits LLC: None[.]

Petition at 12-14.

The Applicant, to date, has failed to provide any documentation demonstrating that L&J is the registered owner of a vehicle. Thus, we must infer that L&J does not currently own, and does not possess the registration for, a vehicle to provide its requested paratransit service. Therefore, we are unable to conclude that L&J satisfies the fitness standards set forth in our Regulations at 52 Pa. Code § 41.14(1). Indeed, given the absence of any documentation to support that L&J is the owner of any vehicle assets, the Applicant does not demonstrate sufficient evidence to conclude that L&J is operationally able to provide its proposed service.

Accordingly, we find that these factors weigh against granting the Petition under the circumstances. We note that, if L&J 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), then L&J may file a new application with the Commission, if it so chooses.

III. Conclusion

For the reasons set forth above, we will deny L&J's Petition, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Petition for Reconsideration from Staff Action, filed by L&J Better Benefits LLC, on January 14, 2026, at Docket No. A-2025-3058944, is denied, consistent with this Opinion and Order.
2. That this proceeding, at Docket No. A-2025-3058944, be marked closed.

BY THE COMMISSION,



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: April 16, 2026

ORDER ENTERED: April 16, 2026