

**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 EX TRANSPORTATION NEMT LLC

A-2025-3056486
A-6428146

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 EX TRANSPORTATION NEMT LLC (Applicant or EX) on January 29, 2026, relative to the above-captioned proceeding.¹ The Secretarial Letter to which the Petition refers was issued on January 27, 2026 (*January 2026*)

¹ According to the Pennsylvania Department of State (PA DOS), the Applicant's registered legal name is "EX TRANSPORTATION NEMT LLC."

Secretarial Letter).² No Answer to 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 July 23, 2025, EX filed an Application for Motor Common Carrier of Persons in Paratransit Service (Application) with the Commission.³ In its Application, EX sought authority to provide its requested service in “[t]he greater [P]ittsburgh area and in Beaver [C]ounty. Application at 1, 3.⁴ Included with the Application was an undated Statement of Financial Position (Balance Sheet), wherein the Applicant: (1) indicated a total assets balance of \$650,000, comprised of: (a) \$200,000 in cash; (b) \$300,000 in motor vehicle equipment; and (c) \$150,000 in property (buildings, land, etc.);⁵ and (2) wrote “- 0 -” for all line items under current and long-term liabilities. *Id.* at 8. Additionally, attached to the Application were eight (8) pages of “[e]xtended” responses to the Verified Statement of Applicant. *See* Application at 9-16.

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).

³ We note that the Verification of Application included in EX’s Application was signed by Mr. John E. Norman, Jr., identified as the owner and sole managing member of EX. Application at 2 ¶ 5, at 9 ¶ 3. We further note that the Verified Statement of Applicant included in EX’s Application was signed by Mr. Jonathan Backers, identified as the Operations Manager of EX. *Id.* at 7, 9 ¶ 1.

⁴ We note that EX, in its Application, provided an e-mail address. We further note that immediately under the space where EX 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 [\$200,000 + \$300,000 + \$150,000 = \$650,000].

Furthermore, in its Application, the Applicant represents, in pertinent part, the following:

EX Transportation is a dedicated child-focused transportation service designed to provide safe, reliable, and efficient rides for students to and from school, extracurricular activities, and other approved destinations. We partner with families, schools, and communities to bridge the gap in student transportation with a service that prioritizes child safety, punctuality, and clear communication.

For the past 7 years, [Mr. Norman] has been the owner of EX Transportation. This company has multiple contracts with area school districts. The success of this company is evident and continues to grow each and every year under his leadership.

Application at 9.

On August 1, 2025, the Commission's Bureau of Technical Utility Services (TUS) issued a Data Request (Data Request No. 1), wherein TUS notified EX that 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 EX 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 No. 1 at 1-2. Moreover, the Data Request set forth several requests for information, including: (1) an explanation of the difference between EX's proposed services and "the work that is exempt from [Commission] [a]uthority;" (2) clarification of whether Allegheny and Beaver Counties are the only counties of trip origination for EX's requested paratransit authority;⁶ and (3) an adequate answer to Question No. 5 in the Verified Statement of Applicant, pertaining to evidence of compliance with the provisions set forth in 52 Pa. Code §§ 29.503-29.505 (related to the number of drivers to be employed, driver

⁶ See Data Request No. 1 at 3 ¶ 2.

training, the system for driver license checks, the system for criminal record checks, and the conduct of drug/alcohol tests). *Id.* at 3.

On August 7, 2025, EX filed a timely response to TUS' Data Request (Reply to Data Request No. 1), wherein the Applicant provided, *inter alia*: (1) a copy of Data Request No. 1;⁷ and, (2) a typed response to Data Request No. 1. Reply to Data Request No. 1 at 1-4.

In response to Data Request No. 1, the Applicant stated, in pertinent part, the following:

1. These two transportation companies will be distinguishable by name. Our school transportation company will be called "EX Transportation" and our NEMT business will be named "EX Transportation NEMT."
EX Transportation specializes in transporting students to and from schools; additionally, services are provided for school-related programs and extracurricular activities. These services are typically contracted with Pittsburgh area school districts or charter schools.
EX Transportation NEMT provides transportation for individuals who need help getting to and from non-emergency medical appointments, such as doctor visits, dialysis, physical therapy, etc. Vehicles for this company will have ramp access and will also be wheelchair accessible. It is usually contracted by healthcare providers or insurance companies.
2. Our service will encompass all 67 counties in Pennsylvania. Those counties include Adams, Allegheny, Armstrong, Beaver, Bedford, Berks, Blair, Bradford, Bucks, Butler, Cambria, Cameron, Carbon, Centre, Chester, Clarion, Clearfield, Clinton, Columbia, Crawford, Cumberland, Dauphin, Delaware, Elk, Erie,

⁷ We note that Mr. Norman wrote his name in and signed the sample Verification. *See* Reply to Data Request No. 1 at 2.

Fayette, Forest, Franklin, Fulton, Greene, Huntingdon, Indiana, Jefferson, Juniata, Lackawanna, Lancaster, Lawrence, Lebanon, Lehigh, Luzerne, Lycoming, McKean, Monroe, Montgomery, Montour, Northampton, Northumberland, Perry, Philadelphia, Pike, Potter, Schuylkill, Snyder, Somerset, Sullivan, Susquehanna, Tioga, Union, Venango, Warren, Washington, Wayne, Westmoreland, Wyoming, York, Mifflin, and Mercer.

3. Our EX Transportation NEMT operation will maintain strict adherence to Title 52, Chapter 29 regulations.

§ 29.503 Age Restrictions

All drivers must be at least 21 years of age.

Age verification will be conducted during hiring using government-issued photo ID.

A copy of the verified ID will be retained in the driver's personnel file.

§ 29.504 Driver History

A complete driving history record (MVR) will be obtained from PennDOT and/or other state agencies for the previous 3 years prior to hiring.

Drivers must not have a history of frequent traffic violations, DUI offenses, license suspensions, or other infractions that may jeopardize passenger safety.

Driving records will be reviewed annually thereafter to ensure continued compliance.

§ 29.505 Criminal History

All prospective drivers must undergo a criminal background check using the Pennsylvania State Police system as well as FBI fingerprinting. Applicants with convictions for violent crimes, abuse, sexual offenses, or any crimes indicating a risk to vulnerable passengers will be disqualified from employment.

Criminal histories are reviewed during onboarding and every two years thereafter.

Documentation of all criminal history checks will be retained in a secure personnel file.

Recordkeeping & Retention Compliance

All driver-related records including age verification, driving history, and criminal background checks will be stored for a minimum of 4 years or as required under applicable [Commission] statutes.

Records will be stored digitally and physically, accessible only by authorized administrative personnel.

A compliance log will be updated quarterly to track review dates and expirations.

Additionally, a digital tracking system will be used to monitor license expiration, renewals, and document retention, ensuring continuous compliance with [Commission] standards.

Reply to Data Request No. 1 at 3 (emphasis in original).

On August 12, 2025, TUS issued a Second Data Request (Data Request No. 2), wherein TUS notified EX that 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, Data Request No. 2 instructed EX that its responses include a signed verification with an original signature, pursuant to 52 Pa. Code § 1.36, and supplied a sample Verification. Data Request No. 2 at 1-2. Moreover, Data Request No. 2 notified the Applicant that “EX TRANSPORTATION NEMT” must be officially registered with PA DOS in order to use it as a trade name. Additionally, Data Request No. 2 instructed the Applicant to fill out a new page one to the Application.⁸ *Id.* at 3.

On August 13, 2025, EX filed a timely response to TUS’ Second Data Request (Reply to Data Request No. 2), wherein the Applicant provided, *inter alia*: (1) a revised page one to EX’s Application (First Revised Page One to Application), indicating: (a) a “Legal Name of Applicant” of “EX Transportation LLC;” and (b) a

⁸ Additionally, Data Request No. 2 notified the Applicant that the business name registered with the Commission must mirror the business name on any vehicle registration. Data Request No. 2 at 3.

“Trade Name” of “EX Transportation NEMT;”⁹ (2) a copy of the sample Verification included with Data Request No. 2;¹⁰ and (3) a copy of a “REGISTRATION OF FICTITIOUS NAME” document from PA DOS, for the fictitious name “EX TRANSPORTATION NEMT.” Reply to Data Request No. 2 at 1, 3-4.

On August 30, 2025, EX’s Application was published in the *Pennsylvania Bulletin*, which provided notice to the public of the Application to provide contract carrier service. The notice provided the public with the opportunity to file protests to the Application by September 15, 2025. *See 55 Pa.B.* 6397 (August 30, 2025). No protests were filed.

On October 8, 2025, TUS issued a Corrected Secretarial Letter (*October 2025 Secretarial Letter*) indicating that the Application was conditionally approved and that a certificate of public convenience would be issued upon EX: (1) having its insurer file a Form E as proof of bodily injury liability insurance with the Commission;¹¹ and (2) emailing a tariff draft to RA-PCTARIFFFILING@pa.gov. *October 2025 Secretarial Letter* at 1.¹²

On October 21, 2025, EX filed a second revised page one to EX’s Application (Second Revised Page One to Application), indicating a “Legal Name of

⁹ First Revised Page One to Application at ¶¶ 1-2.

¹⁰ We note that Mr. Norman wrote his name in and signed the sample Verification. *See* Reply to Data Request No. 2 at 2.

¹¹ The *October 2025 Secretarial Letter* also indicated that insurance filings are accepted online via Tyler Insurance Filings (Tyler). *October 2025 Secretarial Letter* at 1.

¹² On October 6, 2025, TUS issued a Secretarial Letter to EX (*Original October 2025 Secretarial Letter*). Subsequently, the *October 2025 Secretarial Letter* corrected typographical errors present in the *Original October 2025 Secretarial Letter*.

Applicant” of “EX Transportation NEMT LLC.”¹³ Second Revised Page One to Application at ¶ 1.

On November 13, 2025, TUS issued a Second Corrected Secretarial Letter (*November 2025 Secretarial Letter*) indicating that the Application was conditionally approved.¹⁴ Additionally, the *November 2025 Secretarial Letter* indicated that a certificate of public convenience would be issued upon EX: (1) having its insurer file a Form E as proof of bodily injury liability insurance with the Commission;¹⁵ and (2) emailing a tariff draft to RA-PCTARIFFFILING@pa.gov. *November 2025 Secretarial Letter* at 1. The *November 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 *November 2025 Secretarial Letter*, or no later than January 12, 2026, “**CAN RESULT IN THE DISMISSAL OF THE APPLICATION AND REQUIRE THE FILING OF A NEW APPLICATION AND FILING FEE.**” *Id.* at 2 (emphasis in original).

On January 6, 2026, EX timely filed its four-page Tariff Paratransit Pa PUC No. 1, effective January 7, 2026 (Tariff).¹⁶ In its Tariff, EX indicated that it intends “[t]o transport, as a common carrier, by motor vehicle, persons in [p]aratransit [s]ervice, from

¹³ We note that the line immediately under “Trade Name” is blank. *See* Second Revised Page One to Application at ¶ 2.

¹⁴ We note that the *November 2025 Secretarial Letter* reflects revisions present in EX’s Second Revised Page One to Application. *See* Second Revised Page One to Application at ¶ 1.

¹⁵ The *November 2025 Secretarial Letter* also indicated that insurance filings are accepted online via Tyler Insurance Filings (Tyler). *November 2025 Secretarial Letter* at 1.

¹⁶ We note that EX’s Tariff is stamped as “RECEIVED” by the Commission on January 6, 2026.

points in the Counties of Allegheny and Beaver, to points in Pennsylvania, and return.”
Tariff at 1 (emphasis omitted).

On January 27, 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:

More than sixty (60) days ago, you received [the *November 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:

- X 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 *November 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.

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

Additionally, the *January 2026 Secretarial Letter* informed EX 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 29, 2026, EX 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, EX is the party seeking affirmative relief from the Commission. Therefore, EX 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. EX's Petition

The two-page Petition consists of the following: (1) several typed paragraphs in response to the *January 2026 Secretarial Letter*; and (2) a verification statement signed by Mr. John E. Norman, Jr.¹⁷ Petition at 1-2.

¹⁷ As previously noted, Mr. Norman is identified as the owner and sole member of EX. See Application at 2 ¶ 5, at 9 ¶ 3.

In response to the *January 2026 Secretarial Letter*, the Applicant requests that the Commission reconsider EX's Application. The Applicant explains, in pertinent part:

The original submission timeline fell during the holiday period, which created unforeseen delays in securing [EX's] insurance coverage. Although [EX's] insurance provider assured [EX] that [EX's] policy would be active by January 26, the required documentation was not finalized by the deadline due to weather-related delays.

This issue has now been fully resolved, and all necessary insurance requirements have been satisfied. [EX] [is] fully prepared to move forward with [its] [A]pplication and comply with all remaining steps in the process.

Petition at 1. Additionally, the Applicant notes that “the documentation was sent on January 28, 2026,” but “it was rejected.” The Applicant closes the Petition by noting that “[t]he documents are readily available and can be sent as soon as [EX's] case is ready to move forward.” *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.

Upon our review of the Petition and the record documents, we conclude that the Applicant has presented no grounds on which to overturn the conclusions of the *January 2026 Secretarial Letter*; therefore, we shall deny the Petition. As discussed, *supra*, the *November 2025 Secretarial Letter* clearly indicated that EX's Application was

approved conditioned upon the filing of a Form E by EX's insurer within sixty (60) days of the date of the *November 2025 Secretarial Letter*. In its Petition, the Applicant states that EX was unable to secure insurance coverage due to "unforeseen delays" because "[t]he original submission timeline fell during the holiday period." The Applicant also states that "weather-related delays" prevented EX from "finaliz[ing]" the requisite documentation. Petition at 1.

We find that the Applicant does not offer sufficient reasoning to reconsider the denial of EX's Application. Moreover, we are unable to understand *how* or *why* an unspecified holiday and/or weather-related event caused a delay that resulted in EX's failure to have its insurer file the requisite proof of insurance, or Form E, within sixty days from the date of the *November 2025 Secretarial Letter* (*i.e.*, by no later than January 12, 2026).¹⁸ Indeed, without context to explain *how* or *why* a delay caused by a holiday and/or the weather effected EX's failure to have its insurer file a Form E with the Commission within the sixty-day timeline set forth in the *November 2025 Secretarial Letter*, the Applicant does not offer sufficient reasoning to reconsider the denial of EX's Application.

The Applicant also avers that it had assurance from its insurance provider that "[EX's] policy would be active by January 26," adding that "[t]he documentation was sent on January 28, 2026," after EX's Application was dismissed (*i.e.*, more than sixty (60) days after the date that the *November 2025 Secretarial Letter* was issued, and well beyond the required January 12, 2026, due date for EX's insurer to file an acceptable

¹⁸ As noted, *supra*, the *November 2025 Secretarial Letter* was issued on November 13, 2025. Therefore, pursuant to the directives of the *November 2025 Secretarial Letter*, EX was required to have its insurer file the required evidence of insurance within sixty (60) days from the date of the *November 2025 Secretarial Letter* was issued, or January 12, 2026.

Form E).¹⁹ Petition at 1. However, the issue here is the absence of the requisite proof of insurance on file with the Commission.

Furthermore, despite the Applicant's assertion that "[t]he issue has now been fully resolved" and "all necessary insurance requirements have been satisfied," EX has neither attached any of the requisite information to the Petition, nor has it submitted any such information to the Commission via e-filing. In similar matters coming before this Commission where reconsideration has been granted, the applicant has made an effort to supply the missing information by appending the required materials, or some portion thereof, to the petition. In the instant matter, however, this is not the case. Furthermore, our review of the Commission's case management system indicates that no such Form E has been filed with the Commission for EX.

We also note that, based on EX's representations in its Tariff and its response to TUS' Data Request No. 1, there appears to be a discrepancy regarding the counties of trip origination for EX's requested paratransit authority.²⁰ Notwithstanding the ambiguity in EX's proposed service area between its Tariff and its response to Data Request No. 1, to date, there is no indication of the Form E, or some portion thereof, being filed with the Commission.

¹⁹ As noted, *supra*, on January 27, 2026, the Commission issued the *January 2026 Secretarial Letter*, which denied and dismissed EX's Application for failure of the Applicant to have its insurer file the Form E with the Commission by January 12, 2026 (*i.e.*, within 60 days of date on the *November 2025 Secretarial Letter*). *January 2026 Secretarial Letter* at 1.

²⁰ Specifically, in its response to TUS' Data Request No. 1, wherein TUS requested that the Applicant clarify whether Allegheny and Beaver Counties are the only counties of trip origination for EX's requested paratransit authority, the Applicant identified, by name, all 67 counties in Pennsylvania. *See Reply to Data Request No. 1* at 3 ¶ 2; *see also Application* at 3 ¶ 10. Subsequently, in its Tariff, EX indicated its intention to transport, as a common carrier, by motor vehicle, persons in paratransit service, "from points in the Counties of Allegheny and Beaver, to points in Pennsylvania, and return." *See Tariff* at 1 (emphasis omitted).

The Commission may require insurance as to motor carriers under statutory authority and the Commission's Regulations. *See* 66 Pa.C.S. § 512; 52 Pa. Code §§ 32.12 and 32.13. Sections 32.12(a) and 32.13(a) of the Commission's Regulations require common carriers to file with the Commission a certificate of insurance in an amount satisfactory to the Commission. *See* 52 Pa. Code § 32.12(a) (regarding liability insurance) and § 32.13(a) (regarding cargo insurance). An original of each such certificate of insurance must be filed by the carrier's insurer authorized to do business in the Commonwealth. *Id.*; 52 Pa. Code § 32.2(c).

We recognize that the Applicant does not have direct control over the filing of the Form E and must, in large measure, rely on the representations made by the insurance agent/broker that the matter is being handled in a timely way. However, the Commission has held that it is the carrier, as the regulated entity, that remains ultimately responsible for adherence to the requirements of the Code and the Commission's Regulations, and therefore, must take any and all steps necessary to assure that the filing will be made in a timely manner. *See, e.g., Application of T-Davis Excavating, LLC*, Docket Nos. A-2023-3040862 and A-8926263 (Opinion and Order entered November 9, 2023); *Pa. PUC v. C Three Logistics LLC*, Docket No. C-2021-3024623 (Opinion and Order entered June 16, 2022); *Application of Siscon Logistics LLC for Motor Common Carrier of Property*, Docket No. C-2021-3027455 (Opinion and Order entered November 18, 2021); *Pa. PUC v. Elite Excavating Services LLC*, Docket No. C-2021-3024155 (Opinion and Order entered August 26, 2021); *Pa. PUC v. Plastic World Recycling, Inc.*, Docket No. C-2019-3014435 (Opinion and Order entered June 17, 2021).

As previously noted, as the party seeking reconsideration of staff action, EX has the burden of proof. *See, e.g., Application of Airquest*. We conclude that where, as here, the Applicant offers no proof of insurance or a sufficient and reasonable explanation for the failure to provide proper proof of insurance in the allotted sixty-day

period, EX has presented no reasonable grounds on which to overturn the conclusions reached in the *January 2026 Secretarial Letter*. Therefore, we shall deny reconsideration, due to EX's failure to carry the burden of proof. However, we note that EX may file a new application with the Commission, if it so chooses.

III. Conclusion

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

IT IS ORDERED:

1. That the Petition for Reconsideration from Staff Action, filed by EX TRANSPORTATION NEMT LLC, on January 29, 2026, at Docket No. A-2025-3056486, is denied, consistent with this Opinion and Order.
2. That this proceeding, at Docket No. A-2025-3056486, be marked closed.

BY THE COMMISSION,



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: April 16, 2026

ORDER ENTERED: April 16, 2026