

**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 Second Season and Transit LLC

A-2025-3059327
A-6428506

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 Second Season and Transit LLC (Applicant or Second) on February 4, 2026, relative to the above-captioned proceeding.¹ The Secretarial Letter to which the Petition refers was issued on January 28, 2026 (*January 2026*)

¹ According to the Pennsylvania Department of State (PA DOS), the Applicant's registered legal name is "Second Season and Transit LLC."

Secretarial Letter).² No Answer to the Petition has been filed. For the reasons that follow, we shall grant the Petition, rescind the *January 2026 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 Proceeding

On December 16, 2025, Second filed an Application for Motor Common Carrier of Persons in Paratransit Service (Application) with the Commission.³ In its Application, Second sought authority to provide non-emergency passenger transportation service “to seniors and individuals in the general public [in] Montgome[ry] County and surrounding areas including Philadelphia, Chester, Delaware, and Bucks counties.”⁴ Application at 1-2, 4.⁵ Included with the Application was an undated Statement of Financial Position (Balance Sheet), wherein the Applicant: (1) indicated a total cash balance of \$2,000; (2) wrote “suv of approx 8,000” for motor vehicle equipment;

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 and Verified Statement of Applicant included in Second’s Application was signed by Ms. Rashida Dykes, identified as the owner, CEO, and sole member of Second. Application at 1, 3 ¶ 5, 5, 8. We further note that in response to Question No. 1 in the Application, the Applicant indicated “Rashida Dykes” as the legal name of the Applicant. *Id.* at 2 ¶ 1.

⁴ We note that in response to Question No. 6 in the Verified Statement of Applicant included with the Application, Second indicated that it intends to use a 2014 Ford Explorer with a mileage of 145,154 as of the date of the Application. *See* Application at 7 ¶ 6.

⁵ We note that Second, in its Application, provided an e-mail address. We further note that immediately under the space where Second provided its e-mail address, the Applicant 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 3 ¶ 6 (emphasis in original).

(3) wrote “office equipment” for property (buildings, land, etc.);⁶ and (4) wrote “0” for loans, credit cards/revolving credit, other liabilities, and mortgage. *Id.* at 9.

On December 29, 2025, TUS issued a Data Request (Data Request), wherein TUS notified Second 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 Second 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 whether the Applicant intends to operate as an LLC or as an individual;⁷ (2) clarification of the Applicant’s proposed service territory;⁸ (3) an adequate answer to several questions in the Verified Statement of Applicant, pertaining to compliant policies/plans for: (a) the hiring and training of drivers; (b) driver criminal background checks, including records retention; (c) driver license history checks, including records retention; and (d) vehicle maintenance, safety, and insurance;⁹ (4) a revised and compliant Statement of Financial Position (Balance Sheet) that, *inter alia*, is limited to relevant assets and debts held by the Applicant and not the individual member(s); and (5) supporting documentation to substantiate the exact amounts reported on the Statement of Financial Position (Balance Sheet), including, *inter alia*, copies of bank statements and vehicle titles and registrations held by the Applicant. *Id.* at 3-4.

⁶ We note that next to the line item for office equipment, the space is blank. Application at 9.

⁷ *See* Data Request at 3 ¶ 1.

⁸ *See Id.* at 3 ¶ 2.

⁹ We note that the specific questions pertain to Question Nos. 5, 7-8 in the Verified Statement of Applicant. *See* Application at 6-7 ¶¶ 5, 7-8.

On January 5, 2026, Second filed a timely response to TUS' Data Request (Reply to Data Request), wherein the Applicant provided, *inter alia*: (1) a typed response to the Data Request; (2) a copy of a "Policy Declarations QUOTE" issued by "PATHWAY INSURANCE SERVICES INC" and addressed to "SECOND SEASON AND TRANSIT LLC;" (3) a Statement of Financial Position as of December 30, 2025 (Balance Sheet as of 12/30/25), indicating a total assets balance of \$9,367.97, a total liabilities balance of \$0, and a total owner's equity balance of \$10,500;¹⁰ (4) a copy of page 2 of 4 of a bank statement issued by a financial institution for "RASHIDA DYKES SECOND SEASON AND TRANSIT LLC," indicating an ending balance of \$2,216.23, for November 30, 2025; (5) a copy of a Pennsylvania Vehicle Title for a 2014 Ford registered to "SECOND SEASON AND TRANSIT LLC;" (6) a copy of a Pennsylvania Vehicle Registration addressed to "SECOND SEASON AND TRANSIT LLC;" and (7) two verification statements signed by Ms. Dykes.¹¹ Reply to Data Request at 1-11 (emphasis omitted).

In response to the Data Request, the Applicant represented that Second intends to operate as an LLC and to provide paratransit service "between points in the Counties of Bucks, Chester, Delaware, Montgomery, and the City and County of Philadelphia." Reply to Data Request at 1.

¹⁰ The total assets balance is comprised of: (1) \$567.97 in cash; and (2) \$8,000 in owned vehicles (no liens); and \$800 in equipment (if any). [\$567.97 + \$8,000 + \$800 = \$9,367.97]. Further, the Applicant represented that all assets listed on the Balance Sheet as of 12/30/25 are registered, titled, or held under Second. See Reply to Data Request at 6-7.

¹¹ As previously noted, Ms. Dykes is identified as the owner and sole member of Second. See Application at 1, 3 ¶ 5, 5, 8. We further note that, upon review of the Commission's case management system, on January 5, 2026, the Applicant provided a copy of a Pennsylvania State Police "Response for Criminal Record Check" document for Ms. Dykes, and this document is saved as a separate file.

In response to the specific question in the Data Request regarding criminal background checks, the Applicant noted that Second will complete Pennsylvania Access to Criminal History (PATCH) checks for potential hires and repeat the PATCH check annually for employed drivers. Further, the Applicant noted that Second will not employ individuals with: (1) violent felonies; (2) sexual offenses; (3) crimes involving abuse or exploitation; (4) weapons offenses; (5) recent convictions for driving under the influence; (6) drug trafficking; and (7) violent misdemeanors within the past five years. Moreover, the Applicant noted that other offenses are reviewed on a case-by-case basis with consideration for passenger safety. Furthermore, the Applicant noted that Second will maintain copies of all criminal history checks in secure personnel files for at least three years. Reply to Data Request at 1-2 (emphasis omitted).

The Applicant also represented that Second's driver training program will ensure that all drivers safely operate their vehicles, follow Second's policies, and comply with the Commission and insurance requirements. The Applicant continued that Second's drivers will be required to complete: (1) an initial training prior to operating any vehicle; and (2) annual refresher, update, and recertification trainings. According to the Applicant, the goal of refresher trainings is to review core driving skills and safety procedures, including, *inter alia*: (1) defensive driving; (2) vehicle operation; (3) safe operation of brakes, steering, mirrors, ramps, seat belts, wheelchair lifts, and other accessibility equipment; (5) daily vehicle pre-trip inspections using pre-trip checklists; and (6) practice behind the wheel conditions and emergency braking or evasive maneuvering. Reply to Data Request at 2 (emphasis omitted).

The Applicant also stated that the goal of Second's annual update trainings is to keep drivers current on regulations, Second's policies, and best industry practices. According to the Applicant, the topics/activities will include, *inter alia*: (1) Pennsylvania traffic laws; (2) Commission requirements for passenger transport; (3) insurance rules and reporting accidents or incidents; (4) seat belt enforcement; (5) passenger assistance

procedures; (6) policies for cell phones/devices, drugs, and alcohol; (7) use of in-vehicle technology; (8) emergency procedures for accident response, fire, and medical events; (9) scenario-based discussions, such as passenger falls, aggressive drivers, and medical emergencies; and (10) documentation procedures, such as incident reports and mileage logs. Reply to Data Request at 2-3 (emphasis omitted).

Regarding annual recertification, the Applicant explained that the goal is to verify the competency and readiness of the driver for continued operation with the following activities/assessments: (1) a quiz on Second's policies, traffic laws, and emergency procedures; (2) a practical behind the wheel evaluation; (3) city and highway driving; (4) parking and turning in tight spaces; (5) use of ramps/lifts and passenger assistance; (6) vehicle inspection demonstration; and (7) a review of dash camera footage. Reply to Data Request at 3 (emphasis omitted).

The Applicant also noted that the outcome of Second's refresher, update, and recertification trainings includes: (1) a "Certificate of Completion" for drivers who successfully complete the training; and (2) documentation kept on file for insurance, Commission compliance, and Second's records. Additionally, the Applicant noted that other optional trainings include, *inter alia*: (1) CPR/first aid training; (2) defensive driving courses; and (3) customer service/sensitivity training for transporting seniors and disabled passengers. Reply to Data Request at 3 (emphasis omitted).

In response to the specific question in the Data Request regarding driver license/history checks, the Applicant represented that Second will conduct an initial driver's license and driving history check for potential hires and repeat the check annually for employed drivers. Further, the Applicant noted that Second will restrict access to license and driver history reports, with records available to the Commission or insurance providers, upon request. Moreover, the Applicant noted that Second will maintain copies of such reports for at least three years. Finally, the Applicant noted that

any driver with a suspended license or a disqualifying driver history will not be permitted to operate Second's vehicles. Reply to Data Request at 3 (emphasis omitted).

On January 28, 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 establish financial fitness to operate.** Under 52 Pa. Code §41.14(1)[,] [t]he Commission is to determine whether an applicant possesses the technical and financial ability to provide the proposed service.

* * *

In [the Reply to Data Request] there was a response stating that the [A]pplicant's business accounts had [an] available cash balance of \$567.97. [The Applicant] also included a quote for twelve months of commercial motor vehicles insurance at a total premium of \$11,700, or approximately \$975 a month. In addition to the cash balance and costs of insurance, the [A]pplicant listed one vehicle as part of the assets held by [Second], a 2014 Ford Explorer with approximately 145,000 miles. Even when considering the [A]pplicant's financial situation in the most favorable light, the lack of cash assets or other tangible assets present a picture where the [A]pplicant lacks suitable maintenance of said vehicle should the need arise. This represents a clear inability to provide safe, efficient, and reasonable service.

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 Second 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 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 2.

As noted, *supra*, on February 4, 2026, Second 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, Second is the party seeking affirmative relief from the Commission. Therefore, Second 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 requested.
- (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, 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. Second's Petition

The three-page Petition consists of the following: (1) six typed paragraphs in response to the *January 2026 Secretarial Letter*; (2) a verification statement signed by Ms. Dykes;¹² and (3) a signed verification of deposit accounts letter addressed to Ms. Dykes and Second from a financial institution (Verification Letter), dated

¹² As previously noted, Ms. Dykes is identified as the owner and sole member of Second. See Application at 1, 3 ¶ 5, 5, 8.

January 29, 2026, and indicating a current business checking account balance of \$6,301.33. Petition at 1-3.

In response to the *January 2026 Secretarial Letter*, the Applicant requests that the Commission reconsider Second's Application "because the financial record before the Commission [does] not fully reflect [Second's] current and planned financial capacity." The Applicant explains, in pertinent part:

3. [Second] has secured proof of additional financial resources to support safe, efficient, and continuous operations. These resources include increased available cash in the business' account and funding dedicated specifically to insurance, vehicle maintenance, and operating expenses.
4. [Second] acknowledges the Commission's concern regarding insurance costs. Proof of available funds and updated financial documentation are attached.
5. [Second] also maintains ownership of a 2014 Ford Explorer and has allocated funds for maintenance, inspections, and compliance with all safety requirements.

Petition at 1. The Applicant closes the Petition by requesting that the Commission reconsider its denial and allow Second's Application to proceed. *Id.* at 2.

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 shall grant the Petition. As discussed, *supra*, the *January 2026 Secretarial Letter* denied the Application because Second failed to establish financial fitness to operate, pursuant to the Commission’s Regulations, 52 Pa. Code §41.14(1). Specifically, the *January 2026 Secretarial Letter* stated that Second’s available cash balance of \$567.97 “represents a clear inability to provide safe, efficient, and reasonable service.”¹³ *January 2026 Secretarial Letter* at 1.

Our review of the Applicant’s Petition concludes with the determination that Second has demonstrated a good faith attempt to address the deficiencies identified in the *January 2026 Secretarial Letter*. Second’s good faith efforts are exemplified by the fact that the Petition includes an attachment that appears to demonstrate Second’s ownership of additional cash assets and a business checking account with a financial institution (*i.e.*, the Verification Letter). *See* Petition at 3. While we neither make a determination as to whether the document attached to the Petition cures the defects identified in the *January 2026 Secretarial Letter*, nor whether this document has been submitted to the Commission in the manner prescribed by TUS, we find that it is appropriate to grant the Petition to afford TUS an opportunity to review and consider the document.

In view of Second’s attempt to provide additional documentation, as well as its willingness to cooperate, we conclude that, under the circumstances in this case, it is appropriate and reasonable to rescind the *January 2026 Secretarial Letter*, and refer this matter to TUS for consideration and for such further action as may be warranted, given TUS’ expertise in reviewing paratransit applications for authority. Accordingly, we shall utilize the discretion afforded to the Commission in Section 1.2 of our Regulations,

¹³ As discussed, *supra*, Second’s Balance Sheet as of 12/30/25 indicates, *inter alia*, a total cash assets balance of \$567.97. *See* Reply to Data Request at 6-7.

52 Pa. Code § 1.2, and refer this matter to TUS to continue processing the Application.¹⁴ Such a referral will provide TUS with the opportunity to review the information and documentation provided with the Petition and to request any additional information or evidence from Second, if necessary. At this stage of the proceeding, acknowledging the new information provided in Second's Petition, we conclude that referring this matter to TUS for further consideration of the document provided in the Petition (*i.e.*, the Verification Letter) is the most efficient use of both the Commission's and Second's resources. We further find that no party is adversely affected by directing TUS to complete a review of the additional information.

We caution Second that timely and complete submission of all additional information and document requests and filings is expected. While we take no position on the merits of Second's Application at this time, we wish to emphasize to Second that it must fully and timely comply with all information requests and requirements identified by TUS to facilitate further evaluation of the Application.

Finally, we note that the Commission takes no position on the merits of Second's Application at this time, solely noting that it is appropriate to refer this matter to TUS. Nonetheless, we encourage that this matter, and any impediments or deficiencies with Second's Application, be resolved in a cooperative and expeditious manner, to ensure that Second and its Application are compliant with the law, as well as the Commission's Regulations and Orders.

¹⁴ Pursuant to 52 Pa. Code § 1.2, the Commission may exercise its discretion to secure the efficient resolution of a matter, so long as the substantive rights of other parties are not adversely affected.

III. Conclusion

For the reasons set forth above, we will: (1) grant Second's Petition; (2) rescind the *January 2026 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,

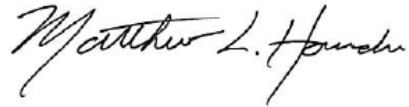
IT IS ORDERED:

1. That the Petition for Reconsideration from Staff Action, filed by Second Season and Transit LLC, on February 4, 2026, at Docket No. A-2025-3059327, is granted, consistent with this Opinion and Order.

2. That the Secretarial Letter issued on January 28, 2026, at Docket No. A-2025-3059327, is rescinded, consistent with this Opinion and Order.

3. That this matter, at Docket No. A-2025-3059327, be referred to the Commission's Bureau of Technical Utility Services for such further action as may be deemed necessary, consistent with this Opinion and Order.

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