

**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 US Medical Transportation LLC

A-2025-3058980
A-6425440

OPINION AND ORDER

BY THE COMMISSION:

Before the Pennsylvania Public Utility Commission (Commission) for consideration and disposition is the Petition for Reconsideration from Staff Action (Petition), filed on January 15, 2026, by US Medical Transportation LLC (US Medical or Applicant), relative to the above-captioned proceeding.

In its Petition, US Medical requests reconsideration of the Commission's Secretarial Letter dated January 13, 2026 (*January 2026 Secretarial Letter*), which denied and dismissed US Medical's Application for Approval of Transfer of Capital

Stock Transportation Common Carrier (Application) for US Medical’s failure to establish its fitness to provide service in accordance with 52 Pa. Code § 41.14.¹

No Answer to the Petition has been filed.

For the reasons set forth herein, we shall grant the Petition, conditionally 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 the Proceeding

On November 19, 2025, US Medical filed its Application at Docket No. A-2025-3058980, seeking transfer of all of the capital stock from the current three owners to three new owners. Application at 2.

On November 21, 2025, the Commission issued a Secretarial Letter in which the Commission, *inter alia*, stated that it was unable to accept this item for filing until the Applicant filed a “Statement of Stock Purchaser’s Financial Position (Balance Sheet)” and a “Statement of Stock Purchaser’s Projected Income and Expenses Projected Income and Expense Statement.” On November 25, 2025, US Medical filed documents with those titles, in response to that Secretarial Letter.²

¹ Because the instant Petition challenges the action taken in the *January 2026 Secretarial Letter* and was filed within twenty days of the issuance of the Secretarial Letter, we shall regard the Petition as a Petition for Reconsideration from Staff Action, pursuant to 52 Pa. Code § 5.44(a).

² The filed Statement of Stock Purchaser’s Financial Position (Balance Sheet) was as of November 25, 2025, and the filed Statement of Stock Purchaser’s Projected Income and Expenses Projected Income and Expense Statement was for the 12-month period ending December 31, 2026.

On December 16, 2025, TUS issued a data request to US Medical (*December 2025 Data Request*), wherein it, acknowledged acceptance of the Application and requested additional information from the Applicant, instructing US Medical to provide the following items: (1) complete the application for membership; (2) provide an explanation/description as to how funds and equipment currently held by US Medical will be handled upon transfer; and (3) provide supporting documentation for statements of financial position. *December 2025 Data Request* at 2.

On December 24, 2025, US Medical timely filed its response to TUS' *December 2025 Data Request (Response to December 2025 Data Request)*, responding to the three categories of questions posed by TUS in the *December 2025 Data Request*.

Upon review of the *Response to December 2025 Data Request* and, as noted, *supra*, on January 13, 2026, the Commission issued the *January 2026 Secretarial Letter* notifying US Medical that its Application for ownership change for its existing paratransit authority had been denied and dismissed. In pertinent part, the *January 2026 Secretarial Letter* is reprinted below:

The Commission has determined that a Certificate of Public Convenience **WILL NOT BE GRANTED** for the following reason(s):

- **Failure to establish fitness to operate:**

On November 18, 2025, the applicant submitted a request for an ownership change for its existing paratransit authority. Review of the application determined that the applicant had submitted an application for the approval of a stock transfer, rather than the appropriate membership change application. The initial application was also reviewed for potential issues which would need to be addressed when the correct application type was re-submitted.

Specifically, the applicant was asked to provide explanations and evidence supporting the claimed financial position and claimed vehicle assets. This was deemed essential due to the information disclosed in the Sales Agreement, which indicated that no vehicles were included in the list of transferring assets. Accordingly, on December 16, 2025, a 10-day data request was issued which directed the applicant to submit the appropriate application type and to provide the necessary substantiating evidence.

On November 30, 2025, the applicant submitted a revised application and a response which failed to provide the requested explanations, the evidence supporting the claimed financial position, and evidence verifying the claimed vehicle assets. Absent the requested evidence it is not possible for the Commission to determine that applicant's continued ability to offer safe, efficient, and reasonable transportation under the proposed new ownership.

For these reasons the application is DISMISSED and DENIED

January 2026 Secretarial Letter at 1 (emphasis in original). The *January 2026 Secretarial Letter* further stated that, if US Medical disagreed with this determination, then it had the opportunity to file a Petition for Reconsideration from Staff Action with the Commission within twenty (20) days of the date of the letter, requesting that the Commission change its determination. The *January 2026 Secretarial Letter* also stated:

The Petition MUST include: (1) a written statement (divided into numbered paragraphs) outlining the reasons for the request, (2) the case docket number(s) (they are provided for you at the top right-hand corner of this letter), (3) the name of the person on whose behalf the petition is made, (4) copies of relevant documentation, and (5) a verification with original signature. See 52 Pa. Code §§ 1.31 and 5.44.

January 2026 Secretarial Letter at 2 (emphasis in original).

As discussed, *supra*, US Medical filed the instant Petition on January 15, 2026. 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 at 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).

Courts have held that “[a] litigant’s burden of proof before administrative tribunals as well as before most civil proceedings is satisfied by establishing a preponderance of evidence which is substantial and legally credible.” *Samuel J. Lansberry, Inc. v. Pa. PUC*, 578 A.2d 600, 602 (Pa. Cmwlth. 1990). Additionally, Section 332(a) of the Public Utility Code (Code), 66 Pa.C.S. § 332(a), provides that the party seeking a rule or order from the Commission has the burden of proof in that proceeding.

In this proceeding, US Medical is the party seeking affirmative relief from the Commission. Therefore, US Medical 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) (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))

Additionally, pursuant to Section 1103(a) of the 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.” In order to make these determinations, 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.

B. Petition

US Medical's Petition is comprised of a fifty-four-page document, including attachments, in which US Medical requests reconsideration of the *January 2026 Secretarial Letter*. Specifically, US Medical avers that it is submitting the requested missing supporting documentation to establish fitness to operate including, *inter alia*, an application for approval to change the limited liability corporation membership, a balance sheet, a statement of certificate holder's income, a statement of new members projected income and expenses, a vehicle safety program, driver qualification, and hiring policy. Petition at 1-2.

C. Disposition

In considering the Petition, we note that any issue not specifically addressed shall be deemed duly considered and denied without further discussion. It is well settled that we are not required to consider expressly or at length each contention or argument raised by the parties. *Consolidated Rail Corp. v. Pa. PUC*, 625 A.2d 741 (Pa. Cmwlth. 1993); *see also, University of Pennsylvania v. Pa. PUC*, 485 A.2d 1217 (Pa. Cmwlth. 1984).

On consideration of the documents presented by US Medical, we shall grant the Petition. Our review of the Applicant's Petition concludes with the determination that US Medical has demonstrated a good faith attempt to address the deficiencies identified in the *January 2026 Secretarial Letter*. US Medical's good faith

efforts are exemplified by the fact that the Petition includes attachments that appear to include the information requested in the *December 2025 Data Request* and further identified in the *January 2026 Secretarial Letter*. While we neither make a determination as to whether the documents attached to the Petition cure the defects identified in the *January 2026 Secretarial Letter*, nor whether those documents have 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 documents.

In view of US Medical's attempt to provide additional documentation, we conclude that, under the circumstances in this case, it is appropriate and reasonable to conditionally rescind the *January 2026 Secretarial Letter*. Pursuant to Section 1.2 of the Commission's Regulations, 52 Pa. Code §§1.2 (a)-(b), the Commission may exercise its discretion to overlook an error of procedure, where necessary, to secure the efficient resolution of a matter, so long as the substantive rights of other parties are not adversely affected. At this stage of the proceeding, acknowledging the new information provided in US Medical's Petition, we conclude that referring this matter to TUS for further consideration of the documents provided is the most efficient use of both the Commission's and US Medical's resources. We further find that no party is adversely affected by directing TUS to complete a review of the additional information. Accordingly, given TUS' expertise in reviewing motor carrier applications for authority, we will refer this matter to TUS for consideration and for such further action as may be warranted.

We caution US Medical 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 US Medical's Application at this time, we wish to emphasize to US Medical that it must fully and timely comply with all information requests and requirements identified by TUS to facilitate further evaluation of the Application.

Accordingly, we shall refer this matter to TUS to continue processing the Application.

III. Conclusion

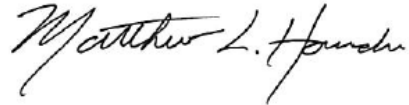
For the reasons discussed herein, we will: (1) grant the Petition; (2) conditionally rescind the *January 2026 Secretarial Letter*; and (3) refer this matter to TUS for such further action as may be warranted, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Petition for Reconsideration from Staff Action, filed by US Medical Transportation LLC on January 15, 2026, at Docket No. A-2025-3058980, is granted, consistent with this Opinion and Order.
2. That the Secretarial Letter issued on January 13, 2026, at Docket No. A-2025-3058980, is conditionally rescinded, contingent upon US Medical Transportation LLC responding to the Commission's Bureau of Technical Utility Services with the required information within thirty (30) days of the entry of this Opinion and Order.
3. That the Application of US Medical Transportation LLC is 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.

4. That in the event that US Medical Transportation LLC fails to respond within thirty (30) days of the entry date of this Opinion and Order, the Commission's Secretarial Letter issued on January 13, 2026, will be deemed the final action in this matter, and the case shall 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 17, 2026