

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

Public Meeting held April 30, 2026

Commissioners Present:

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

Application of WARM HEARTS
HOME CARE SERVICES LLC

A-2026-3059917

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 WARM HEARTS HOME CARE SERVICES LLC (Warm Hearts or Applicant) on February 23, 2026, relative to the above-captioned proceeding.¹ The Secretarial Letter to which the Petition refers was issued on February 10, 2026 (*February 2026 Secretarial Letter*).²

¹ Warm Hearts Home Care Services LLC is a business entity registered with the Pennsylvania Department of State. Application at 1.

² Because the instant Petition challenges the action taken in the *February 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).

No Answer to the Petition has been filed. For the reasons that follow, we shall grant the Petition, rescind the *February 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 warranted, consistent with this Opinion and Order.

I. History of the Proceeding

On January 2, 2026, Warm Hearts filed an Application with the Commission seeking approval for the right to operate as a motor common carrier of persons in paratransit service between certain points in Pennsylvania. Application at 1, 3.

On January 22, 2026, TUS issued a Data Request (*January 2026 Data Request*), wherein it requested clarification regarding the Applicant's nature of business, as well as its proposed service territory.³ *January 2026 Data Request* at 3. In addition, the Commission sought clarification of the customers to be served and compliance with the drivers' and insurance requirements set forth in the Commission's Regulations. The Commission indicated that additional information was required within ten (10) working days of the date on the letter and the Applicant was instructed that its responses must include a signed verification with an original signature, pursuant to 52 Pa. Code § 1.36, and a sample Verification was also supplied. *See January 2026 Data Request* at 1-2.

³ The Commission previously contacted the Applicant on January 8, 2026 to advise Warm Hearts that the filing fee was not submitted with the Application and the Applicant remitted the filing fee on January 13, 2026.

Additionally, the Attachment to the *January 2026 Data Request* stated, in pertinent part, as follows:

- 1) In regard to Question #10 of the application for proposed service area:

You list a number of contiguous Counties in Eastern Pennsylvania as well as Allegheny County on the opposite side of the state. Why is that county listed, and how do you intend to provide adequate services (safe, efficient and reasonable services) to that area from your base across the state?

Please consider that your request should only indicate the areas from which you intend to originate service. Your proposed service area must also be fully bound, and easily discernible. This may be achieved by the use of municipal boundaries, roads, railroads, or natural boundaries such as rivers and streams, etc. ...

YOU SHOULD ONLY SPECIFY AREAS FROM WHICH YOU WISH TO ORIGINATE SERVICE. Example(s):

a. Paratransit service between points in the counties of X, Y, and Z. b. Paratransit service from points in the counties of X, Y, and Z, to points in Pennsylvania, and return.

- 2) Specifically, who will your clientele be? Are all of your transportation passengers existing clients who receive other services from your company? Will you be transporting the General Public? Please describe in detail.
- 3) The responses to questions 5(a), 5(b), 5(c), 5(d) and 5(e) of the verified statements are insufficient. Title 52 Pa. Code § 29 provides detailed requirements. Please provide a system which incorporates code specified compliance requirements for frequency and retention of driver records...
 - § 29.503. Age restrictions.
 - § 29.504. Driver history
 - § 29.505. Criminal history.
- 4) You state that you intend to contact insurers about vehicle insurance. You cannot be prepared for those costs unless you actually contact them and obtain specific quotes.

Please provide actual quotes and further information. The purpose of the verified statement questions is to determine your ability to provide safe, efficient, and reasonable transportation. It is in your best interest to provide accurate, complete, and timely responses. Failure to do so is sufficient grounds to justify the denial of your application because you have failed to provide sufficient evidence of your fitness to operate.

See January 2026 Data Request at 3-4 (emphasis in original).

On January 27, 2026, Warm Hearts replied to TUS's *January 2026 Data Request*. In its Reply, Warm Hearts submitted only a signed Verification statement. *Reply to January 2026 Data Request at 1-2*. On January 29, 2026, TUS issued a second Data Request that included the same questions contained in the *January 2026 Data Request*. Additionally, the Attachment to the *January 2026 Data Request* stated, in pertinent part, as follows:

PLEASE NOTE: NO ANSWERS TO ANY OF THE QUESTIONS WERE RECEIVED WITH THE ANSWER TO THE FIRST DATA REQUEST. ALL THAT WAS ATTACHED WAS THE VERIFICATION AND YOUR SIGNATURE. THESE QUESTIONS MUST BE ADEQUATELY ANSWERED FOR YOUR APPLICATION TO MOVE FORWARD.

Questions for evaluation on a PUC Application require regulation compliant answers, they should be well thought out and complete, and must answer all parts of the questions asked. Please review Title 52 PA Code to ensure your answers meet that standard.

See January 2026 Second Data Request at 3 (emphasis in original).

On February 3, 2026, Warm Hearts filed a document entitled “REQUEST FOR NAME CHANGE” informing the Commission of an amendment to the pending Application at this docket. Specifically, the Applicant submitted the following:

This change is limited to the applicant’s legal entity name. There is no change in the nature of the proposed paratransit service, and operational intent remains the same. Please advise if any additional documentation, amendments, or refiling is required to process this request appropriately.

For reference, the application details are as follows:

- Application/Docket Number: A- 2026-3059917
- Current Applicant Name on File: Warm Hearts Home Care[s]ervices
- Requested Applicant Name: Serlau LLC

*Serge Lauture should be added to the list of members of the requested llc [*sic*] (Serlau)

See Reply to January 2026 Data Request at 1-2.

On February 6, 2026, Warm Hearts replied to TUS’ second issuance of data requests regarding the proposed service to be offered. In this Reply, Warm Hearts clarified that it proposes to provide transportation services from Berks County (which will be our originating point) to Lehigh, Lancaster, Philadelphia, York, Schuylkill and Lebanon counties in Pennsylvania and return. *See Reply to January 2026 Data Request at 2.* In addition, Warm Hearts indicated that its clientele will be individuals who qualify for “paratransit, medical assistance, waiver programs service or NEMT services.” The Applicant also indicated that it proposes to serve seniors, people with disabilities, and clients who already receive home care services. Warm Hearts further indicated that it will not be transporting the general public. *See Reply to January 2026 Data Request at 2.*

In its Reply, Warm Hearts also provided its paratransit drivers policies and procedures, including that it intends to hire drivers in compliance with Chapter 29 of the

Commission's Regulations, 52 Pa. Code §§ 29.503, *et seq.* Specifically, the Applicant stated that drivers would be at least 21 years of age with a valid Pennsylvania driver's license, maintain a safe driving record,⁴ be medically fit, successfully pass criminal background checks, drug and alcohol screening,⁵ complete required training prior to transporting passengers, and demonstrate good moral character. *See Reply to January 2026 Data Request* at 3. In addition, Warm Hearts indicated that drivers' criminal background checks⁶ would be conducted, including FBI fingerprint-based checks, and such records would be maintained confidentially. Warm Hearts also stated that all drivers would complete initial and annual training in accordance with the Commission's Regulations at Chapter 29, including safety, ADA awareness, passenger assistance, emergency procedures, and customer service. *See Reply to January 2026 Data Request* at 3-4. The Applicant further indicated that the training records would be retained in personnel files.

Further, Warm Hearts clarified that it will begin providing paratransit service with one car instead of two, as initially stated in its Application. *See Reply to January 2026 Data Request* at 5. Moreover, Warm Hearts provided proof of insurance in its Reply. *Id.* at 6-7.

⁴ The Applicant indicated that drivers' licenses would be verified prior to hire and reviewed annually in accordance with the Commission's regulations. Also, Warm Hearts stated that drivers must report license changes within 24 hours and that drivers with suspended, revoked, or invalid licenses will be immediately removed from service. *See Reply to January 2026 Data Request* at 4.

⁵ Warm Hearts stated that drivers are prohibited from using or being under the influence of alcohol or controlled substances while on duty or operating paratransit vehicles. A zero-tolerance drug and alcohol policy will be enforced and any suspected impairment will result in immediate removal from duty and disciplinary action up to and including termination. *See Id.*

⁶ Warm Hearts also submitted that drivers with disqualifying criminal histories will be prohibited from providing paratransit service. *See Id.* at 3.

On February 10, 2026, upon review of the submitted information, the Commission issued its *February 2026 Secretarial Letter* informing Warm Hearts that it was proposing service that is incidental to the Applicant's primary non-transportation business. The Commission determined that the requested transportation services remain outside of the Commission's jurisdiction and are exempt from Commission regulation and oversight. *February 2026 Secretarial Letter* at 1.

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

On February 23, 2026, Warm Hearts filed the instant Petition. No response to the Petition was 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, 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, Warm Hearts Home Care Services LLC is the party seeking affirmative relief from the Commission. Therefore, Warm Hearts 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)).

In the instant proceeding, 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 (Certificate) 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.” 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 passenger carrier 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.

In addition, in every matter before the Commission, we must decide initially whether the Commission has jurisdiction over the Parties and subject matter at dispute. As a creature of legislation, the Commission possesses only the authority the state legislature has specifically granted to it in the Code. 66 Pa.C.S. §§ 101, *et seq.* Its jurisdiction must arise from the express language of the pertinent enabling legislation or by strong and necessary implication therefrom. *Feingold v. Bell of Pa.*, 383 A.2d 791 (Pa. 1977); *Allegheny County Port Authority v. Pa. PUC*, 237 A.2d 602 (Pa. 1967); *Behrend v. Bell of Pa.*, 390 A.2d 233 (Pa. Super. 1978); *Pa. Department of Highways v. Pa. PUC*, 182 A.2d 267 (Pa. Super. 1962); and *City of Erie v. Pa. Electric Co.*, 383 A.2d 575 (Pa. Cmwlth. 1978). The Commission must act within, and cannot exceed, its jurisdiction. *City of Pittsburgh v. Pa. PUC*, 43 A.2d 348 (Pa. Super. 1945).

Further, Section 501 of the Code grants the Commission authority to supervise and regulate all public utilities doing business in the Commonwealth and requires all public utilities to comply with regulations and orders. *See* 66 Pa.C.S. § 501. Also, Section 1101 of the Code provides that it shall be unlawful for a proposed public utility to begin to offer, render, furnish, or supply service within the Commonwealth prior to approval of its application. *See* 66 Pa.C.S. § 1101.

For purposes of this Application, Warm Hearts must initially prove that the transportation service it provides falls within the definition of “public utility” service, as set forth in the Code and Commission Regulations. If the proposed transportation service is determined to be jurisdictional, Warm Hearts also must prove that it possesses the technical and financial ability to provide such service.

B. Petition

The Petition consists of a two-page letter in response to the *February 2026 Secretarial Letter*. Petition at 2-3. In its Petition, Warm Hearts requests reconsideration of the Commission’s *February 2026 Secretarial Letter*, wherein the Commission denied the Application.

The Applicant clarifies that its Application was submitted for a separate Limited Liability Company established for the purpose of operating as a stand-alone Non-Emergency Medical Transportation (NEMT) provider. Warm Hearts also clarifies that the separate LLC is intended to provide transportation services to individuals who are not clients of its home care agency, to contract independently with healthcare facilities, agencies and referral sources, and to operate as a distinct business with separate insurance, EIN (employer identification number), and operational structure. Petition at 2-3.

Warm Hearts further states that it intends to provide transportation to the public for compensation and, therefore, the Applicant believes that its proposed service falls within the jurisdiction of the Commission as a motor carrier of passengers, rather than transportation incidental to its home care services. In seeking “formal review and reinstatement,” Warm Hearts states that it further intends to operate in accordance with Commission regulation and oversight as a regulated transportation provider. Petition at 2-3.

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).

Based on our review of the Petition and the associated record documents, we shall rescind the *February 2026 Secretarial Letter*. Initially, we find that Warm Hearts has met its burden of proof for reconsideration of a staff action under the factual circumstances presented in the instant matter. In its Petition, Warm Hearts provides additional information in support of its purported need for Commission authority to undertake certain transportation as a paratransit provider.

We observe that this is an uncontested matter, and the Petitioner has been responsive to TUS's Data Request and has made an attempt in its Petition to explain why it believes Commission authority is required to provide the subject transportation service. In its Petition, Warm Hearts states that it intends to provide transportation to the public for compensation by operating as a stand-alone NEMT provider. Petition at 2. The Applicant proposes to provide transportation services to individuals who are not clients of its home care agency and to contract independently with healthcare facilities, agencies and referral sources to provide transportation services. *Id.*

We acknowledge that the Applicant's responses to TUS's *January 2026 Data Request* may have been ambiguous. However, we find that the clarification provided by the Applicant in its Petition, as well as our review of the information provided by Warm Hearts in its Application warrants additional review by the Commission. *See* Petition at 2-3; Application at 1-8.

We conclude that, under the circumstances in this case, it is appropriate and reasonable to rescind the *February 2026 Secretarial Letter* and refer this matter to TUS for consideration and such further action as may be warranted, given TUS' expertise in

reviewing applications for Commission authority. Such a referral will provide TUS the opportunity to review the information provided with the Petition and to request any additional information or evidence from Warm Hearts, if necessary. Moreover, given the procedural posture of this case, acknowledging the new considerations provided in the Petition and referring this matter to TUS for further consideration is a more efficient use of the Commission's and Warm Hearts' resources at this stage of the proceeding.

In addition, the Commission takes no position on the merits of Warm Hearts' Application at this time but solely notes that it is appropriate to refer this matter to TUS based on the responsive filing. We emphasize to Warm Hearts that it should endeavor to provide clear and complete information to TUS, as applicable, to facilitate an exhaustive review of its Application and the proposed services contemplated therein.

III. Conclusion

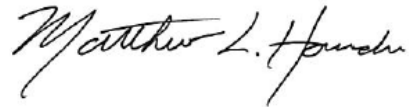
For the reasons discussed herein, we will grant the Petition, rescind the *February 2026 Secretarial Letter*, and refer this matter to TUS for such further action as may be warranted, consistent with this Opinion and Order; **THEREFORE,**

IT IS ORDERED:

1. That the Petition for Reconsideration from Staff Action filed by Warm Hearts Home Care Services LLC on February 23, 2026, at Docket No. A-2026-3059917, is granted, consistent with this Opinion and Order.
2. That the Secretarial Letter issued on February 10, 2026, at Docket No. A-2026-3059917, is rescinded.

3. That this matter 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.

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 30, 2026

ORDER ENTERED: April 30, 2026