

**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 Keenan Transportation Corporation

A-2025-3059464  
A-8928521

**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 Keenan Transportation (Applicant or Keenan), on February 4, 2026, relative to the above-captioned proceeding.<sup>1</sup> The Secretarial Letter to which the Petition

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<sup>1</sup> We note that upon review of the Commission's case management system, the instant Petition is saved in a folder labeled "Confidential" and the document is labeled "Reply to Data Request – Keenan Transportation Corporation."

refers was issued on January 30, 2026 (*January 2026 Secretarial Letter*).<sup>2</sup> 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 22, 2025, Keenan filed an Application for Motor Common Carrier or Motor Contract Carrier for Household Goods in Use (Application) with the Commission.<sup>3</sup> In its Application, Keenan requested authority to provide household goods transportation within fifty (50) miles of Philadelphia, Pennsylvania.<sup>4</sup> Application at 1, 3. Further, in response to Question No. 3 in the Verified Statement of Applicant, wherein the Applicant was instructed to provide evidence of a minimum of two years' experience with a licensed household goods in use carrier, or the equivalent, as required by Section 3.381(c)(1)(iii)(A)(II)(-1-), 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-1-) of our Regulations, Keenan represented the following: “Experience has covered 25 years of

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<sup>2</sup> 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).

<sup>3</sup> We note that the Verification of Application and Verified Statement of Applicant included in Keenan’s Application were signed by Mr. Richard Keenan, identified as the President, owner, and sole member of Keenan. Application at 2 ¶ 5, at 5 ¶ 1, and 7.

<sup>4</sup> On or about December 23, 2025, Keenan filed a revised page one to its Application (Revised Application Page 1), wherein the Applicant indicated that its legal name is “KEENAN TRANSPORTATION CORPORATION.” Revised Application Page 1 at ¶ 1. According to the Pennsylvania Department of State, the Applicant’s registered legal name is “Keenan Transportation Corporation.”

working for different van lines. Moving, packing, and estimating have all been part of the training.”<sup>5</sup> *Id.* at 5 ¶ 3 (emphasis omitted). *Id.* at 9.

On December 31, 2025, TUS issued a Data Request (Data Request), wherein TUS notified Keenan 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. Data Request at 1 (emphasis in original). Further, the Data Request instructed Keenan that its responses must include a signed verification with an original signature, pursuant to 52 Pa. Code § 1.36, and supplied a sample Verification. *Id.* at 1-2. Moreover, the Data Request set forth several requests for information, including: (1) evidence of the required two years’ experience working with a licensed household goods carrier, or the equivalent, as required by 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-1-); (2) an adequate description of Keenan’s record maintenance plan and communication network for receiving customer transportation requests, dispatching vehicles to fulfill those requests, and maintaining continuous driver communication;<sup>6</sup> and (3) an adequate description of Keenan’s policies/plans for the hiring/employment of drivers, including: (a) the conduct and frequency of criminal background checks, including records retention; (b) how a prospective driver would be disqualified; (c) required driver training; (d) the conduct and frequency of driver license history checks, including records retention; (e) driver drug and alcohol use; and (f) vehicle maintenance and safety.<sup>7</sup> *Id.* at 3-4.

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<sup>5</sup> We note that no response was provided to Question No. 7 in the Verified Statement of Applicant, wherein the Applicant was instructed to describe Keenan’s vehicle safety maintenance program. Application at 6 ¶ 7.

<sup>6</sup> We note that this specific request pertains to Question No. 4 in the Verified Statement of Applicant. See Application at 5 ¶ 4.

<sup>7</sup> We note that this specific request pertains to Question Nos. 5 and 7 in the Verified Statement of Applicant. See Application at 6 ¶¶ 5, 7.

On January 30, 2026, the Commission issued the *January 2026 Secretarial Letter* dismissing the Application. In pertinent part, the *January 2026 Secretarial Letter* stated as follows:

The Commission has determined that a Certificate of Public Convenience shall not be granted for the following reason(s):

- **Failure to File Required Information.** A [Data Request] dated December 31, 2025, was sent informing [Keenan] that the [Commission] required additional information in order to complete the processing of [Keenan's] [A]pplication for authority. The [Data Request] informed [Keenan] that failure to submit the required information within ten days would result in dismissal of the [A]pplication. To date, more than thirty days later, you have not adequately complied with all aspects of that [Data] [R]equest.

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

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

Additionally, the *January 2026 Secretarial Letter* informed Keenan 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 February 4, 2026, Keenan timely filed the instant Petition. No response to the Petition has been filed.

On February 18, 2026, Keenan filed correspondence regarding its Application (Correspondence).<sup>8</sup>

## 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 (Opinion and 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

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<sup>8</sup> We note that Keenan's Correspondence includes: (1) a cover letter signed by Mr. Keenan; (2) a copy of the *January 2026 Secretarial Letter*; (3) a copy of a receipt from the United States Postal Service dated January 23, 2026; (4) a screenshot of an automatically generated Commission email confirmation sent to Mr. Keenan regarding the above-captioned proceeding; and (5) a copy of TUS' Data Request. *See* Correspondence at 1-7.

(Opinion and Order entered November 14, 2019) (request for reconsideration of Secretarial Letter approving application with conditions). In this proceeding, Keenan is the party seeking affirmative relief from the Commission. Therefore, Keenan 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 (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. Keenan's Petition**

The Petition consists of the following: (1) a copy of TUS' Data Request; (2) a screenshot of an automatically generated Commission email to Mr. Keenan regarding the above-captioned proceeding; (3) a copy of an electronic filing confirmation receipt from the Commission regarding the above-captioned proceeding; (4) several typed paragraphs in response to TUS' Data Request; (5) an unsigned verification

statement for Mr. Keenan;<sup>9</sup> (6) copies of several personal income tax 1099 Forms addressed to Mr. Keenan for calendar years 2023 and 2024 (1099 Forms);<sup>10</sup> and (7) an unsigned document entitled “Keenan Transportation Alcohol and Drug Free Workplace Policy” (Alcohol and Drug Policy Document).<sup>11</sup> Petition at 1-16.

In its response to TUS’ Data Request, the Applicant represents that the attached 1099 Forms demonstrate Mr. Keenan’s experience working with household goods carriers. Further, the Applicant notes that Keenan will: (1) maintain records, including drivers logs, safety audits, employee information, criminal background checks, and drug testing, at Mr. Keenan’s home office; (2) use “small office equipment,” including a computer, scanner, printer, and fax machine; (3) use an offsite accountant to record income and expenses; (4) use emails, text messages, and “Smart Moving” software to: (a) maintain records of customers and “moving information;” and (b) communicate with drivers, customers, and sales people throughout the day and during a move; and (5) use a dedicated telephone number and paid Google advertisements that link to Keenan’s website to receive customer requests for transportation. Petition at 8.

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<sup>9</sup> As previously noted, Mr. Keenan signed Keenan’s Application. *See* Application at 5.

<sup>10</sup> We note that each personal income tax document is stamped “CONFIDENTIAL.” We note that pursuant to our Regulations at 52 Pa. Code § 5.365, a party seeking to protect a trade secret or other confidential information from disclosure on the public record must seek a Petition for Protective Order. A Petition for Protective Order will be granted only when a party demonstrates that the potential harm to the party of providing the information would be substantial and that the harm to the party if the information is disclosed without restriction outweighs the public’s interest in free and open access to the administrative hearing process. In this case, we note the uncontested nature of Keenan’s Application.

<sup>11</sup> We note that the Alcohol and Drug Policy Document closes with the following statement: “I have read and understand this policy.” This statement is followed by two blank lines, one line above the word “Name,” and one line above the word “Date.” *See* Petition at 16.

The Applicant also explains that Mr. Keenan meets the drivers every morning in a commercial parking lot to dispatch the vehicles. Further, the Applicant notes that Keenan utilizes a warehouse space at “Steedle Moving” in West Deptford, New Jersey. Moreover, the Applicant states that Keenan’s trucks are scheduled for: (1) “a 5,000 mile oil change and inspection at Houperets in Berlin, NJ;” and (2) “[r]oadside weekly maintenance ... which includes pre-trip inspections.” Furthermore, the Applicant represents that Mr. Keenan uses “the DOT safety inspection audit to comply with applicable vehicle equipment standards.” Petition at 8-9.

Regarding criminal background checks, the Applicant represents that Keenan will: (1) obtain criminal history reports from “the Dept of Motor Vehicles through services at Sinclair Moving & Storage” in Berlin, New Jersey; (2) obtain a background check every two years from the date of the last history check; (3) disqualify a driver from employment if they are convicted of a felony or misdemeanor charge or “if they are caught using drugs;” and (4) store maintenance records “at the home office” for a minimum of three years. Petition at 8.

The Applicant also represents that Mr. Keenan will perform off road training tests with potential drivers “to verify their driving abilities.” Further, the Applicant notes that Keenan will order “[d]river license abstracts” through the “Department of Motor Vehicles” when potential drivers are hired. Moreover, the Applicant notes that Keenan will store such records at the home office for at least ten years. Petition at 9.

The Alcohol and Drug Policy Attachment indicates that Keenan prohibits, essentially: (1) the use, possession, solicitation of drugs, alcohol, or medication without a prescription on Keenan’s premises or the premises of a customer during an assignment; and (2) drug or alcohol impairment while on duty. Further, the Alcohol and Drug Policy Attachment indicates that Keenan will conduct alcohol and drug testing at random or if

just cause exists. Moreover, the Alcohol and Drug Policy Attachment indicates that an employee may be subject to disciplinary action, including “discharge from employment,” if an employee: (1) is tested for alcohol and drugs “outside of the employment context” and the results indicate a policy violation; and (2) refuses to submit to the policy testing. Petition at 15-16.

### **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.

Based on our review of the Petition and the associated record documents, we shall grant the Petition. As discussed, *supra*, the *January 2026 Secretarial Letter* denied the Application because Keenan failed to respond to TUS’ Data Request, wherein TUS set forth several requests for information. *January 2026 Secretarial Letter* at 1.

As previously discussed, TUS, in its Data Request, requested that the Applicant provide: (1) evidence of the required two years’ experience working with a licensed household goods carrier, or the equivalent, as required by 52 Pa. Code § 3.381(c)(1)(iii)(A)(II)(-1-); (2) Keenan’s record maintenance plan; (3) Keenan’s communication network for receiving customer transportation requests, dispatching vehicles to fulfill those requests, and maintaining continuous driver communication; and (4) Keenan’s policies/plans for the hiring/employment of drivers, including: (a) the conduct and frequency of criminal background checks, including records retention; (b) how a prospective driver would be disqualified; (c) required driver training; (d) the conduct and frequency of driver license history checks, including records retention;

(e) driver drug and alcohol use; and (f) vehicle maintenance and safety. *See* Data Request at 3-4.

In its Petition, the Applicant attempts to address TUS' request for evidence of the required two years' experience working with a licensed household goods carrier, or the equivalent, by providing Mr. Keenan's 1099 Forms.<sup>12</sup> The Applicant represents that the 1099 Forms demonstrate Mr. Keenan's experience working with household goods carriers. *See* Petition at 8 ¶ 1, and 10-14.

The Applicant also attempts to address TUS' request for an adequate description of Keenan's record maintenance plan, communication network, and policies/plans for the hiring/employment of drivers. Specifically, the Applicant represents that Keenan will, *inter alia*: (1) maintain records, including drivers logs, safety audits, employee information, criminal background checks, and drug testing, at Mr. Keenan's home office; (2) use a computer, scanner, printer, and fax machine; (3) use emails, text messages, and "Smart Moving" software to maintain customer records and communicate with drivers, customers, and sales people; (4) use a dedicated telephone number and paid Google advertisements to receive transportation requests; (5) meet with drivers every morning to dispatch vehicles; (6) conduct an oil change and inspection at 5,000 mile intervals; (7) conduct weekly vehicle maintenance and pre-trip inspections; (8) use a safety inspection audit to comply with applicable vehicle equipment standards; (9) obtain criminal history reports; (10) obtain a background check every two years; (11) disqualify a driver from employment if they are convicted of a felony or misdemeanor charge; (12) store maintenance records for at least three years; (13) perform off road training tests with potential drivers; and (14) order "[d]river license abstracts" when potential drivers are hired and will store such records for at least ten years. *See* Petition at 8-9. Additionally, the Applicant included a description of Keenan's alcohol

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<sup>12</sup> As noted, *supra*, each 1099 Form document is stamped "CONFIDENTIAL."

and drug use policy (*i.e.*, the Alcohol and Drug Policy Attachment), which, essentially, indicates that Keenan prohibits illicit drug and alcohol use, and employees may be subject to random and for-cause testing. *See Id.* at 15-16.

Based on our review of the Applicant's Petition, we find that the Applicant has provided more detailed information and documentation to address the pertinent deficiencies identified by TUS in its Data Request. Additionally, we acknowledge that the Applicant has demonstrated a good faith effort to rectify the issues that led to the Application's dismissal by filing the instant Petition that includes the requested responses to TUS' Data Request.

In light of Keenan's attempt to provide the responses to the Data Request, 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 household goods in use applications for authority. Accordingly, we shall utilize the discretion afforded to the Commission in Section 1.2 of our Regulations, 52 Pa. Code § 1.2, and refer this matter to TUS to continue processing the Application.<sup>13</sup> 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 Keenan, if necessary. In our view, 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 Keenan's resources at this procedural stage of the proceeding.

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<sup>13</sup> 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.

Finally, we note that the Commission takes no position on the merits of Keenan'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 Keenan's Application, be resolved in a cooperative and expeditious manner, to ensure that Keenan and its Application are compliant with the law, as well as the Commission's Regulations and Orders.

### **III. Conclusion**

For the reasons discussed herein, we will: (1) grant Keenan'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 Keenan Transportation Corporation on February 4, 2026, at Docket No. A-2025-3059464, is granted, consistent with this Opinion and Order.

2. That the Secretarial Letter issued on January 30, 2026, at Docket No. A-2025-3059464, is rescinded, consistent with this Opinion and Order.

3. That this matter, at Docket No. A-2025-3059464, 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, reading "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