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May 11, 2026

Matthew L. Homsher, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17120

Re: **Comments to Tentative Order re Cancellation of CPC**
Docket No. M-2026-3061024
Fayette Coal & Coke, Inc. (Utility Code 708232; Docket No. A-00123169)

Dear Secretary Homsher:

On April 21, 2026, the Pennsylvania Public Utility Commission (“Commission” or “PUC”) entered a Tentative Order with respect to Fayette Coal & Coke, Inc. (“Fayette”), seeking cancellation of FCC’s Certificate of Public Convenience (“CPC”) for failing to operate or report intrastate revenues. On behalf of Fayette, I submit this correspondence in response to the Tentative Order entered in the above-referenced proceeding.

Fayette does not oppose the cancellation of its CPC. However, Fayette respectfully submits this response for the limited purpose of clarifying the factual premise underlying the Tentative Order as it relates to Fayette.

The Tentative Order identifies Fayette as a motor carrier that has reported zero operating revenue for multiple consecutive years and therefore has failed to establish ongoing operations. While Fayette has reported zero intrastate operating revenue in its annual filings, that reporting reflects the fact that Fayette does not engage in motor carrier operations, rather than a cessation of such operations.

Fayette is, and at all relevant times has been, a surface mining operation, engaged in the extraction of coal and related materials. Fayette does not own, lease, or operate motor vehicles designed or used for the transportation of property, and it does not transport property for compensation or hold itself out to the public as a common carrier. All transportation of Fayette’s products is performed by independent third-party carriers.

Accordingly, Fayette has not operated as a motor carrier and does not require a Certificate of Public Convenience under 52 Pa. Code Chapter 31. Fayette’s inclusion in this proceeding appears to arise from a legacy or administrative classification rather than noncompliance with motor carrier operational requirements.

Fayette agrees that cancellation of the CPC is appropriate and respectfully requests that

the Commission cancel its authority. Fayette further submits this response to ensure that the record accurately reflects that Fayette is not a motor carrier and has not engaged in motor carrier operations during the relevant reporting period.

Thank you for your attention to this matter. If you have any questions, please do not hesitate to contact my office.

Sincerely,



Daniel A. Garcia, Esq., Of Counsel
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Counsel for Fayette Coal & Coke, Inc.