

Homsher, Matt

From: Light, Andy <alight@scopelitis.com>
Sent: Wednesday, May 13, 2026 12:21 PM
To: Homsher, Matt
Cc: Kaster, Allison; Yu, Jordan
Subject: [External] FW: Scopelitis Response to Pennsylvania PUC Tentative Order Docket No. M-2026-3061024
Attachments: Scopelitis Response to PA PUC Order v11.pdf

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Good day, Mr. Homsher.

I am a partner at the law firm Scopelitis, Garvin, Light, Hanson & Feary, P.C., which focuses its practice exclusively on transportation law. I am writing to you on behalf of several of the Firm's motor carrier clients in response to the Pennsylvania Public Utility Commission's (PUC) Tentative Order Docket No. M-2026-3061024, *Cancellation Of Certificates Of Public Convenience For Common Carriers; Failure To Report Positive Operating Revenue* (Order).

The attached letter includes the Firm's full response on this matter. As stated in the letter, before (and hopefully in lieu of) filing formal comments on behalf of each of the Firm's motor carrier client's affected by this Order, I wanted to advise the PUC that Pennsylvania is expressly preempted by federal law from conditioning any motor carrier's Certificate of Public Convenience on the carrier's continuous (or for any length of time) provision of intrastate motor carrier service in the state, and from cancelling any motor carrier's Certificate of Public Convenience for failing to satisfy any such purported condition. Accordingly, the Pennsylvania PUC should repeal the Order, refrain from cancelling the Certificates of Public Convenience of the motor carriers listed in Appendix A of the Order, and refrain from requiring the holders of a Certificate of Public Convenience who are also interstate motor carriers from submitting annual gross intrastate operating revenue filings in order to retain their Certificates going forward.

I look forward to hearing from you on this matter.

Andy

Andrew K. Light, *Partner*
Scopelitis, Garvin, Light, Hanson & Feary, P.C.
10 West Market Street, Suite 1400, Indianapolis, IN 46204
alight@scopelitis.com | T: [317.637.1777](tel:317.637.1777)

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The Transportation Law Firm

ANDREW K. LIGHT
alight@scopelitis.com

May 11, 2026

VIA EMAIL/mahomsher@pa.govMr. Matt Homsher
Secretary of the Commission
Pennsylvania Public Utility Commission
400 North Street
Harrisburg, PA 17120

RE: Response to Tentative Order Docket No. M-2026-3061024

Mr. Homsher,

I am a senior partner at the law firm Scopelitis, Garvin, Light, Hanson & Feary, P.C., which focuses its practice exclusively on transportation law. I personally have worked on numerous matters with the Pennsylvania Public Utility Commission (PUC). I am writing to you on behalf of several of the Firm's motor carrier clients in response to the attached Tentative Order Docket No. M-2026-3061024, *Cancellation Of Certificates Of Public Convenience For Common Carriers; Failure To Report Positive Operating Revenue* (Order).

According to the Order, motor carriers with a Certificate of Public Convenience (CPC) issued by the PUC are required to operate continuously and without unreasonable interruptions or delay, and Pennsylvania law authorizes the PUC to cancel a carrier's CPC for failure to so operate. The Order contends the carriers listed in Appendix A have not complied with these requirements, and, as a result, the PUC has tentatively determined it is appropriate to and will cancel the CPCs of these carriers.

Several of the Firm's clients are listed in Appendix A and have asked me for assistance in contesting this Order. Before (and hopefully in lieu of) filing formal comments on behalf of each of these clients, I wanted to advise the PUC that Pennsylvania is expressly preempted by federal law from conditioning any motor

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carrier's CPC on the carrier's continuous (or for any length of time) provision of intrastate motor carrier service in the state, and from cancelling any motor carrier's CPC for failing to satisfy any such purported condition.

Section 14501 of Title 49 of the United States Code establishes "federal authority over *intrastate* transportation." (emphasis added). It provides that, with respect to such intrastate transportation, a State "may not enact or enforce a law, regulation, or other provision having the force and effect of law related to a . . . service of any motor carrier . . . with respect to the transportation of property."¹ Here, by requiring CPC holders to continuously, and without unreasonable interruptions or delay, provide service (however that may be defined – e.g. generating a minimum amount of intrastate revenue over a two-year period) as a condition of maintaining their CPCs, Pennsylvania is doing precisely what Section 14501 prohibits. Such a condition, and the PUC's cancellation of any CPC authority based on a motor carrier's failure to meet it, are in direct violation of federal law. Therefore, the PUC should repeal the Order and refrain from cancelling the CPCs of the motor carriers listed in Appendix A for failing to provide service.²

As an aside, we understand the PUC's conclusion that the motor carriers listed in Appendix A have not provided continuous service is based in part on those motor carriers submitting zero-dollar gross intrastate operating revenues in their annual

¹ There are a few exemptions from this federal preemption of intrastate transportation – i.e. there are some types of regulations States may still impose related to the services of intrastate motor carriers notwithstanding this federal preemption; however, those exceptions are plainly inapplicable here. *See* 49 U.S.C. § 14501(c)(2). First, this federal law does not preempt States from imposing safety regulations with respect to motor vehicles (e.g. imposing highway route controls, limits on the size or weight of motor vehicles, and minimum insurance requirements). *See* § 14501(c)(2)(A). However, the requirement at issue here – that carriers provide continuous service – clearly does not relate to the carriers' safe operation of equipment but instead purely to carriers' service levels. This exemption is therefore inapplicable. So too are the remaining two exemptions, which permit State regulation of intrastate transportation of household goods, and of non-consensual tow truck operations (*see* § 14501(c)(2)(B)-(C)), neither of which are at issue here.

² To be clear, this federal law preempts States from regulating the services of motor carriers, specifically. That law, and this letter, does not address the PUC's ability to impose continuous service requirements on non-motor carrier utilities which hold CPCs.

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reports (or potentially not submitting an annual report at all). With respect to those motor carrier CPC holders that are also interstate motor carriers, Pennsylvania is preempted by yet another federal law from requiring those carriers to even file annual reports in the first instance as a condition of maintaining their CPCs.

Specifically, 49 U.S.C. § 14504a(c)(1)(D) provides as follows:

It shall be considered an unreasonable burden on interstate commerce for any State . . . to enact, impose, or enforce any requirement or standards with respect to . . . any motor carrier or motor private carrier providing transportation or service subject to jurisdiction under subchapter I of chapter 135 (in this section referred to as an “interstate motor carrier” and an “interstate motor private carrier”, respectively) in connection with . . . the annual renewal of the intrastate authority . . . of the motor carrier or motor private carrier, or other intrastate filing requirement necessary to operate within the State if the motor carrier is (i) registered under section 13902 or section 13905(b); and (ii) in compliance with the laws and regulations of the State authorizing the carrier to operate in the State in accordance with section 14501(c)(2)(A).”

Accordingly, here it is an unreasonable burden for Pennsylvania to impose an annual gross intrastate operating revenue filing requirement (in connection with the annual renewal of a motor carrier’s CPC permit or otherwise) on any motor carrier who is registered as an interstate motor carrier and who is in compliance with the state’s safety regulations with respect to motor vehicles (see footnote No. 1 explaining State authority to impose safety regulations under Section 14501(c)(2)(A)). So, too, is it such a burden to require carriers wishing to contest the Order via written comment and retain their CPCs to provide: (1) amended annual assessments forms for CY2023 and CY 2024 reflecting positive jurisdictional intrastate operating revenue, and (2) “verifiable documentation including but not limited to driver’s logs and receipts of every jurisdictional transport trip provided to the public for the past two calendar years”. If Pennsylvania were to continue to impose such a requirement on interstate motor carriers, the state would be imposing an unreasonable burden on interstate commerce in violation of express federal law. The PUC should therefore cease

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requiring interstate motor carriers to submit annual gross intrastate operating revenue filings and related documentation in order to operate under their CPCs.³

For the reasons explained above, the PUC should repeal the Order, refrain from cancelling the CPCs of the motor carriers listed in Appendix A as contemplated by that Order, and refrain from requiring CPC holders who are also interstate motor carriers from submitting annual gross intrastate operating revenue filings or related documentation in order to retain their CPCs going forward.

(I understand that written comments disputing the Order are to be filed at Docket No. M-2026-3061024 within 30 days of June 6, 2026. As alluded to above, I plan to file such public formal written comments consistent with the above before that deadline on behalf of my clients if the Order is not withdrawn before the comment period deadline.)

Thank you for consideration of this matter.

Very truly yours,


Andrew K. Light

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³ Consistent with this, the PUC has previously informally advised that such carriers should identify zero dollars in any gross operating revenue annual filings. Also of note, these interstate carriers are required to complete Unified Carrier Registration (UCR) every year, and a portion of the fees paid by such carriers as part of that registration are allocated to Pennsylvania.