

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

Public Meeting held June 4, 2026

Commissioners Present:

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

Application of ALHAKEM HEALTH SERVICE Inc

A-2026-3060008

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 ALHAKEM HEALTH SERVICE Inc (Alhakem or Applicant) on March 4, 2026, relative to the above-captioned proceeding.¹ The Secretarial Letter to which the Petition refers was issued on February 27, 2026 (*February 2026*)

¹ According to the Pennsylvania Department of State, the Applicant's registered legal name is "ALHAKEM HEALTH SERVICE Inc."

Secretarial Letter).² No Answer to the Petition has been filed. For the reasons that follow, we shall deny the Petition, consistent with this Opinion and Order.

I. History of Proceeding

On January 22, 2026, Alhakem filed an Application for Motor Common Carrier of Persons in Paratransit Service (Application) with the Commission.³ In its Application, Alhakem requested authority to operate and transport people in wheelchair/minivans to and from points in Philadelphia, Montgomery, and Bucks Counties.⁴ Application at 1, 3. Included with the Application was the Verification of Application; the Verified Statement of Applicant portion; Verification of Statement; and an undated Statement of Financial Position (Balance Sheet). *Id.* at 3-8.

No Protests were filed to the Application.

On January 28, 2025, the Commission's Bureau of Technical Utility Services (TUS) issued a Data Request (Data Request), wherein TUS notified Alhakem that additional information was required within ten (10) working days of the date on the Data Request letter, in order for TUS to proceed with the Application. Further, in the Data Request, TUS instructed Alhakem that its responses must include a signed verification with an original signature, pursuant to 52 Pa. Code § 1.36, and supplied a

² Because the Petition challenges the action taken in the *February 2026 Secretarial Letter* and was filed within twenty (20) days of the issuance of the *February 2026 Secretarial Letter*, we shall regard the Petition as a Petition for Reconsideration from Staff Action, pursuant to 52 Pa. Code § 5.44(a).

³ We note that the Verification of Application included in Alhakem's Application was signed by "Abdalahakem Kurdi," identified as the owner and sole member of Alhakem. Application at 2, 4.

⁴ We note that in response to Question No. 6 in the Verified Statement of Applicant included with the Application, Alhakem did not indicate a specific vehicle that will be used. *See* Application at 6, ¶ 6.

sample Verification. Data Request at 1. Moreover, the Data Request set forth several specific questions pertaining to providing: (1) an adequate answer to Question No. 5 in the Verified Statement of Applicant, regarding: (a) evidence of compliance with the provisions set forth in 52 Pa Code §§ 29.503-29.505 (related to the age of drivers, the number of drivers to be employed and why that number is adequate for the proposed service, driver training and hiring standards, the system for driver license checks, the system for criminal record checks, and the conduct of drug/alcohol tests), and (b) a statement explaining why the Applicant believes 1 to 2 drivers to be adequate to service three large high-density counties; (2) a vehicle list or an explanation as to the number of vehicles the Applicant believes to be appropriate; (3) whether the Applicant has a plan to purchase vehicles for its newly proposed operations, including a detailed explanation about the associated costs and potential finance schedules; (4) a copy of Applicant's complete safety program and include copies of its vehicle maintenance plan, and whether: (a) it performs daily pre and post trip inspections, (b) a copy of the Applicant's daily vehicle inspection checklists, and (c) if the Applicant does not perform daily pre and post trip inspections, an explanation for why; (5) information regarding the Applicant's insurance policy; and (6) a revised compliant Statement of Financial Position, including supporting documentation. Attachment to Data Request at 1-2.

On February 27, 2026, the Commission issued the *February 2026 Secretarial Letter*, wherein it dismissed the Application. In pertinent part, the *February 2026 Secretarial Letter* stated, as follows:

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

On January 26, 2026, the [A]pplication of Alhakem Health Service, Inc., was accepted by the Commission for review. In analyzing the applicant's application and supporting statements multiple deficiencies were noted. The applicant was subsequently issued a 10-day data request seeking necessary policy revisions and suitable evidence to establish its ability to offer safe, efficient, and reasonable

transportation. The applicant was provided with detailed guidance and examples to assist it in providing the necessary corrections and updates.

To date, at least 30 days later, the applicant has failed to respond to the Commission's request. Absent the necessary revisions and supporting evidence of financial fitness, it is impossible for the Commission to verify the applicant's ability to offer safe, efficient, and reasonable transportation.

For these reasons the application is DISMISSED and DENIED.

February 2026 Secretarial Letter at 1 (emphasis in original).

Additionally, the *February 2026 Secretarial Letter* informed Alhakem 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 *February 2026 Secretarial Letter*. Further, the *February 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. *February 2026 Secretarial Letter* at 2.

As noted, *supra*, on March 4, 2026, Alhakem timely filed the instant Petition. 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, 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 (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 (Order entered November 14, 2019) (request for reconsideration of Secretarial Letter approving application with conditions). In this proceeding, Alhakem is the party seeking affirmative relief from the Commission. Therefore, Alhakem 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 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.

Finally, 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.” 66 Pa.C.S. § 1103(a).

B. Alhakem’s Petition

Alhakem’s Petition consists of the following: (1) a request for reconsideration due to hardship; (2) a verification statement signed by “Abdalahakem Kurd;”⁵ and (3) an Attachment titled “Ambulance Service Agreement.” In response to the *February 2026 Secretarial Letter*, Alhakem asserts that the Applicant’s owner was overseas due to a family emergency and was unable to access his email. The Applicant insists that because its owner lost internet connection and was unable to access his email, he was unable to respond to the Data Request. The Applicant adds that Alhakem’s “business depends on the PUC license to operate to full capacity.” However, the Applicant does not offer any further information to correct the deficiencies identified in the *February 2026 Secretarial Letter*. Petition at 1-2 and Attachment.

⁵ As previously noted, “Abdalahakem Kurdi” is identified as the owner and sole member of Alhakem. See Application at 2.

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.

Our review of the Applicant's Petition concludes with the determination that Alhakem has failed to demonstrate that it has addressed the deficiencies identified in the *February 2026 Secretarial Letter*. More specifically, Alhakem did not offer any information to address the omitted information that TUS sought in the Data Request and that the *February 2026 Secretarial Letter* outlined, as noted above.

Based on our review of the Petition, the record, and the applicable law, we find that the Applicant has not provided sufficient information to rescind the *February 2026 Secretarial Letter*. Accordingly, we shall deny Alhakem's Petition and uphold the *February 2026 Secretarial Letter* for failure of the Applicant to comply with a Commission data request consistent with this Opinion and Order. However, we note that the Applicant may file a new application with the Commission if it so chooses.

III. Conclusion

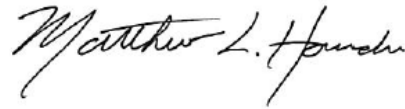
For the reasons set forth above, we will deny Alhakem's Petition and uphold the *February 2026 Secretarial Letter*, consistent with this Opinion and Order;
THEREFORE,

IT IS ORDERED:

1. That the Petition for Reconsideration from Staff Action, filed by ALHAKEM HEALTH SERVICE Inc, on March 4, 2026, at Docket No. A-2026-3060008, is denied, consistent with this Opinion and Order.

2. That this proceeding, at Docket No. A-2026-3060008, be marked closed.

BY THE COMMISSION,



Matthew L. Homsher
Secretary

(SEAL)

ORDER ADOPTED: June 4, 2026

ORDER ENTERED: June 4, 2026