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|  | **PENNSYLVANIA****PUBLIC UTILITY COMMISSION****Harrisburg, PA 17105-3265** |  |

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|  | Public Meeting held December 16, 2021 |
| Commissioners Present: |  |

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|  Gladys Brown Dutrieuille, Chairman |
|  John F. Coleman, Jr., Vice Chairman |
|  Ralph V. Yanora |
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| Cancellation of Certificates of Public Convenience for Motor Carriers; Failure to Maintain Evidence of Insurance | M-2021-3029132 |
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**TENTATIVE ORDER**

**BY THE COMMISSION:**

Pursuant to Section 512 of the Public Utility Code, 66 Pa. C.S. §512, the Commission is authorized to prescribe appropriate insurance requirements for motor carriers. Section 512 provides, in relevant part:

The commission may, as to motor carriers, prescribe, by regulation or order, such requirements as it may deem necessary for the protection of persons or property of their patrons and the public, including the filing of surety bonds, the carrying of insurance, or the qualifications and conditions under which such carriers may act as self-insurers with respect to such matters. All motor carriers of passengers…shall cover each and every vehicle, transporting such passengers, with a public liability insurance policy or a surety bond issued by an insurance carrier, or a bonding company authorized to do business in this Commonwealth, in such amounts as the commission may prescribe….

Consistent with this broad statutory charge, the Commission promulgated regulations governing motor carrier insurance requirements. 52 Pa. Code Chapter 32. Those regulations provide, *inter alia*, that a motor carrier may not operate, and a certificate of public convenience will not be issued or remain in force, until there has been filed with and approved by the Commission a certificate of insurance by an insurer authorized to do business in Pennsylvania for the payment of claims resulting from the operation, maintenance, or use of a motor vehicle in the carrier's authorized service. 52 Pa. Code §§32.11, 32.12. The certificate of insurance, commonly known as a Form E, is in a form prescribed and approved by the Commission and provides protection for bodily injury, death, or property damage. 52 Pa. Code §32.2(a). Additionally, the Commission regulations require that certain carriers maintain evidence of cargo insurance via a certificate of insurance commonly known as a Form H. The Commission’s regulations require that evidence of insurance be maintained at all times with the Commission to ensure the protection of the public:

(h)  *Compliance.*Failure to maintain evidence of insurance on file with the Commission in accordance with this chapter shall cause the immediate suspension of the rights and privileges conferred by a certificate of public convenience or permit held by the motor carrier. The Commission may establish rules under which suspended rights and privileges may be temporarily reinstated pending compliance with this chapter.

52 Pa. Code §32.2(h).

The Commission has been notified that the motor carriers listed in Appendix A, attached hereto, no longer have acceptable evidence of insurance on file with the Commission. The Commission sent all carriers a letter notifying them that their operating authority was suspended. Since the date of the suspensions, these motor carriers have failed to maintain acceptable evidence of insurance, notwithstanding notification by the Commission of the suspension and the necessity to provide acceptable evidence of insurance.

Under these circumstances, we tentatively conclude that the motor carriers listed in Appendix A are not in compliance with the insurance requirements of 66 Pa. C.S. § 512 and our regulations at 52 Pa. Code Chapter 32. As such, it is appropriate to initiate the process to cancel their certificates of public convenience as being in the public interest; **THEREFORE,**

 **IT IS ORDERED:**

1. That cancellation of the Certificates of Public Convenience of each motor carrier listed in Appendix A is hereby *tentatively* approved as being in the public interest.

2. That the Secretary’s Bureau shall publish a copy of this Tentative Order in the *Pennsylvania Bulletin*.

3. That the Secretary shall serve a copy of this Tentative Order upon all motor carriers listed in Appendix A.

4. That the Secretary shall file this Tentative Order at each motor carrier’s assigned docket number.

5. That to the extent that any of the motor carriers listed on Appendix A challenge cancellation of their Certificates of Public Convenience, they must file comments within thirty (30) days after publication of this Tentative Order in the Pennsylvania Bulletin. Comments shall be sent to the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120.

6. That, alternatively, acceptable evidence of insurance may be filed with the Commission on behalf of the motor carriers listed in Appendix A, within thirty (30) days after publication of this order in the *Pennsylvania Bulletin*.

**Motor carriers listed in Appendix A who desire to continue operations should immediately contact their insurance agents to secure compliance with Commission insurance requirements. It is the motor carrier’s responsibility to ensure compliance. Motor carriers can verify their insurance status at our Web Site at** [**https://www.puc.pa.gov/search/utility-authority-search/**](https://www.puc.pa.gov/search/utility-authority-search/)**.**

**Additionally, motor carriers may call our insurance hotline at (717)-787-1227 for more information.**

7. That, absent the timely filing of comments challenging the cancellation of the Certificate of Public Convenience or the timely filing of acceptable evidence of insurance, the Bureau of Technical Utility Services shall prepare a Secretarial Letter for issuance by the Secretary’s Bureau canceling the carrier’s applicable Certificate of Public Convenience. The Secretarial Letter shall direct the Department of Transportation to suspend the carrier’s vehicle registration(s) consistent with 75 Pa. C.S. §1375.

8. That, upon issuance of the Secretarial Letter described in Ordering Paragraph No. 7 above, the applicable Certificate of Public Convenience of each non-compliant carrier shall be cancelled.

9. That the Secretary serve a copy of the Secretarial Letter upon the Commission’s Bureau of Investigation and Enforcement, Bureau of Technical Utility Services, Bureau of Administration, the Pennsylvania Department of Revenue – Bureau of Corporation Taxes, and the Pennsylvania Department of Transportation.



**BY THE COMMISSION,**

Rosemary Chiavetta

Secretary

(SEAL)

ORDER ADOPTED: December 16, 2021

ORDER ENTERED: December 16, 2021

**Appendix A**

 **Carriers Without Acceptable Evidence of Insurance**

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| **Utility Code** | **Utility Name** | **Suspended Authorities** | **Insurance Type not on file** |
| 631971 | CORRY CAB COMPANY | Taxi | Liability |
| 640879 | WEST END AMBULANCE SERVICE, INC | Paratransit | Liability |
| 640912 | GRIFFITH TRANSPORTATION, INC. | GP 16 or Greater and Truck | Liability |
| 640999 | BLACK TOP LIMOUSINE, INC. | Limousine | Liability |
| 6410374 | ROBERT P HELLER | Paratransit | Liability |
| 6413389 | KEON ENTERPRISES LLC | Paratransit | Liability |
| 6419478 | GOLD STAR TRANSIT LLC | Paratransit | Liability |
| 6420167 | COMFORT HEALTHCARE SOLUTIONS LLC | Contract Carrier | Liability |
| 6421942 | ACUTE CARE MEDICAL TRANSPORT INC | Paratransit | Liability |
| 6422375 | JUANA A VIDAL | Paratransit | Liability |
| 6422444 | DEM TRANSIT LLC | Paratransit | Liability |
| 6422617 | GBL Enterprises LLC | Limousine | Liability |
| 6423234 | ZAHIA LLC | Paratransit | Liability |
| 700793 | JOSEPH P RILEY & SONS MOVING COMPANY INC | Truck | Liability/Cargo |
| 700806 | HERBERT B SMITH & AGEE COPART | Truck | Liability/Cargo |
| 701699 | TRESSLER, CARME ALLEN | Truck | Liability |
| 702736 | HILDEBRANT, GEORGE W. | Truck | Liability |
| 704661 | PINE DRIVE TRANSPORT, LLC | Truck | Liability/Cargo |
| 705661 | ALLAN CIBOROWSKI | Truck | Liability |
| 706964 | IVAN M EARL M & IVAN B HURST | Truck | Liability |
| 707854 | RITTENBAUGH, INC. | Truck | Liability |
| 707964 | ROBERT H BURNETT JR | Truck | Liability |
| 708479 | MAGEE & MAGEE INC | Truck | Cargo |
| 708592 | S & S TRUCKING INC | Truck | Liability |
| 735310 | BUD DAVIS TRUCKING, INC. | Truck | Liability/Cargo |
| 818259 | LAUSCH'S MOVING & STORAGE INC | Household Goods Carrier and Truck | Cargo |
| 852520 | STUFFO, JOHN P. | Truck | Liability/Cargo |
| 890449 | JACK C HUSBAND SR | Truck | Liability/Cargo |
| 8910043 | BEDFORD VALLEY PETROLEUM CORPORATION | Truck | Liability |
| 8911589 | RAELY TRUCKING INC | Truck | Cargo |
| 8912187 | JARED W SWARTZ T/A JERRY SWARTZ TRUCKING | Truck | Liability |
| 8912477 | CASTELLI DEVELOPMENT CORPORATION LLC | Truck | Liability |
| 8912800 | STUM HAULING LLC | Truck | Liability |
| 8916074 | RIVERFRONT MOVING & STORAGE LLC | Household Goods Carrier | Liability |
| 8916203 | HOWELLS HAULING LLC | Truck | Liability |
| 8916358 | PINE CREEK LOGISTICS LLC | Truck | Liability |
| 8916649 | BMB CONSTRUCTION SERVICES INC | Truck | Liability |
| 8916668 | Michael's Moving and Storage inc | Household Goods Carrier | Cargo |
| 891686 | VJ TRUCKING CORP. | Truck | Liability/Cargo |
| 8916920 | BLACK MAGIC TRUCKING LLC | Truck | Liability |
| 8916948 | E&M MCKERNAN HOTSHOTZ LLC | Truck | Liability/Cargo |
| 8917207 | MAX HAULING LLC  | Truck | Liability |
| 8917538 | CURVIN HUBER | Truck | Liability/Cargo |
| 8918058 | FREEMAN TRUCKING LLC | Truck | Cargo |
| 8918198 | MICHAEL R JESTER | Truck | Liability/Cargo |
| 8918351 | CHAZZ TRANSPORT LLC | Truck | Liability/Cargo |
| 8918827 | JEREMY DAVIS | Truck | Liability/Cargo |
| 8919513 | TCB EXPRESS CORPORATION | Truck | Liability/Cargo |
| 8920226 | SMS HAULING LLC | Truck | Liability/Cargo |
| 8920318 | SHIPPENSBURG HAULING & EXCAVATION LLC | Truck | Cargo |
| 8920650 | LGH TRANSPORT LLC | Truck | Cargo |
| 8920855 | FRANK DANA HUDAK JR  | Truck | Liability |
| 8921108 | P & R FREIGHT INC | Truck | Liability/Cargo |
| 8921187 | NIC DIT TRUCKING & TRANSPORT INC | Truck | Cargo |
| 8921348 | MICHAEL ROBERT COLLETTE | Truck | Cargo |
| 8921500 | ALLENTOWN BETHLEHEM, LLC  | Truck | Cargo |
| 8921604 | TODD R SWOOPE TRUCKING INC | Truck | Liability |
| 8922242 | KERSCHNER TRUCKING LLC | Truck | Liability/Cargo |
| 8922254 | WEALTHSTONE INVESTMENTS LLC | Truck | Liability |
| 8922370 | JACK S AUMILLER | Truck | Liability |
| 8922441 | WAGNER BROTHERS TRANSPORT LLC | Truck | Cargo |
| 8922443 | LANCE JUN DOLAND | Truck | Liability |
| 8922523 | VAN WYK TRUCKING LLC | Truck | Liability/Cargo |
| 8922602 | SUNSHINE BEST TRANSPORTATION LLC | Truck | Liability/Cargo |
| 8922687 | LUCAS AUTO TRANSPORT INC | Truck | Liability/Cargo |
| 8922732 | JERRY CARL CLOSE III | Truck | Cargo |
| 8922747 | PHILIP MICHAEL MILLER  | Truck | Liability/Cargo |
| 8922765 | GBB LOGISTICS LLC | Truck | Liability/Cargo |
| 8922785 | CAPELA TRANSPORT INC | Truck | Liability |
| 8922850 | BERGERS MOVING & STORAGE INC | Truck | Liability/Cargo |
| 8922880 | MICHAEL RHOADS | Truck | Liability |
| 8922913 | SOUTHSIDE SERVICE LLC | Truck | Cargo |
| 8922921 | FREDERICK N CORRADO | Truck | Liability |
| 8923319 | C MILLER TRANSPORT LLC | Truck | Liability/Cargo |
| 8923371 | ALVIN ROSENBERGER  | Truck | Liability/Cargo |
| 8923377 | OCTORARO TRANSPORT LLC | Truck | Liability/Cargo |
| 8923516 | ANTHONY BRENNER | Truck | Liability |
| 8923589 | LUKE ANGUS GARVERICK | Truck | Liability |
| 8923620 | LVAZ EXPRESS LLC | Truck | Liability/Cargo |
| 8923719 | SCALES TRANSPORT LLC | Truck | Liability/Cargo |
| 8923727 | WADE 84 LLC | Truck | Liability/Cargo |
| 8923739 | W D K TRANSPORT LLC | Truck | Liability/Cargo |
| 8923808 | COLTON MARTIN | Truck | Liability |
| 8923992 | AL SAI SJI TRANSPORT COMPANY | Truck | Liability/Cargo |
| 8924121 | RAFY CAR LLC | Truck | Liability/Cargo |
| 8924161 | MVP TRANSPORTATION LLC | Truck | Liability/Cargo |
| 8924347 | KRE TRUCKING LLC | Truck | Liability/Cargo |
| 899667 | ALWAYS MOVING LLC | Household Goods Carrier | Cargo |