

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

Public Meeting held June 16, 2022

Commissioners Present:

Gladys Brown Dutrieuille, Chairman
John F. Coleman, Jr., Vice Chairman
Ralph V. Yanora

Cancellation of Certificates of Public Convenience for
Motor Carriers; Failure to Maintain Evidence of
Insurance

M-2022-3032626

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 provide 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 should publish a copy of this Tentative Order in the *Pennsylvania Bulletin*.

3. That, to the extent any motor carrier listed in Appendix A challenges cancellation of the Certificates of Public Convenience, the motor carrier must file comments within thirty (30) days after publication in the *Pennsylvania Bulletin*. To file comments, you must either efile them by opening and using an efilng account through the Commission's website at www.puc.pa.gov. In the alternative, you may file comments by sending them by overnight delivery to the Pennsylvania Public Utility Commission, Attn: Secretary Rosemary Chiavetta, Commonwealth Keystone Building, 400 North Street, 2nd Floor, Harrisburg, PA 17120. Retain the tracking information as proof of submission. Filings made by fax or email are not acceptable and will be rejected.

4. 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/>.

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

5. 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.

6. That, upon issuance of the Secretarial Letter described in Ordering Paragraph No. 5 above, the applicable Certificate of Public Convenience of each non-compliant carrier shall be cancelled.

7. 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,

A handwritten signature in cursive script, reading "Rosemary Chiavetta".

Rosemary Chiavetta
Secretary

(SEAL)

ORDER ADOPTED: JUNE 16, 2022

ORDER ENTERED: June 16, 2022

APPENDIX A

Carriers Without Acceptable Evidence of Insurance

Utility Code	Utility Name	Suspended Authorities	Insurance Type not on file
6316085	AMBULANCE EXPRESS INC	Paratransit	Liability
637222	TRANSLINE LIMOUSINE SERVICE INC	Airport Transfer, Limousine	Liability
6410077	ENTERPRISE LIMOUSINE INC	Limousine	Liability
641205	GENNY LIMOUSINE INC	Limousine	Liability
6414437	David F Weaver	Paratransit	Liability
6415386	MAYTAV BUS COMPANY	Group and Party 28 or Greater	Liability
6415801	FIRST CLASS TRANSPORTATION INC	Paratransit, Taxi	Liability
6416547	ROBERT'S LIMOUSINE LLC	Airport Transfer	Liability
6416671	SPECIAL EVENT EMS INC	Paratransit	Liability
6417187	SHERRY M VERBEECK	Paratransit	Liability
6417189	NEW VALLEY TRANSPORTATIONS LLC	Group and Party 16 or Greater, Limousine	Liability
6419125	LEON L & LINDA J FULLER	Paratransit	Liability
6419224	GRAYLING LM LLC	Limousine	Liability
6420954	PA LIMO COMPANY	Limousine, GP11-15, GP16+	Liability
6421317	ROYAL MEDICAL SERVICES LLC	Paratransit	Liability
6421394	TERRY W SCHMIDT	Paratransit	Liability
6421839	PLEASANT TRANSPORT LLC	Paratransit	Liability
6422340	BLACKHAWK SERVICE LLC	Paratransit	Liability
6422814	WILKE-BARRE TRANSPORTATION LLC	Paratransit	Liability
6422900	EROLA R GRISHAM ENTERPRISE LLC	Group and Party 16 or Greater	Liability
6423234	ZAHIA LLC	Paratransit	Liability
6423529	CHARLES C ZOOK	Paratransit	Liability
701134	JET MESSENGER, INC.	Truck	Liability
701193	TOM RITCHEY TRANSPORT INC	Truck	Liability
701834	STUMP, EDWARD C. JR., & LINDA K.	Truck	Liability and Cargo
702903	NOW MESSENGER, INC.	Truck	Cargo
704181	CME TRUCKING INC	Truck	Liability and Cargo
704712	MERRING, FREDERICK E.	Truck	Liability
704749	A.P.C. TRANSIT, INC.	Truck	Liability and Cargo
706541	MARK EMERY	Truck	Liability

706556	ELIZABETH EQUIPMENT SERVS INC	Truck	Cargo
706573	JOHN GORDON JESSO	Truck	Liability and Cargo
706684	II OMEGA CORPORATION	Truck	Liability and Cargo
707746	KFG Trucking, LLC	Truck	Liability
708289	MULHERNS MOVING INC	Household Goods Carrier, Truck	Cargo
708334	AnnAdele Transport, LLC	Truck	Liability and Cargo
708379	WILLIAMS, TED S	Truck	Liability and Cargo
708816	BILL WILLIAMS	Truck	Liability
806320	MILLER BROS TRUCKING INC	Truck	Liability
824260	M POLLON INC	Truck	Liability
8910702	GARY L TEMPLIN JR EXCAVATING & TRUCKING LLC	Truck	Cargo
8911069	STANLEY FIMOWICZ	Truck	Liability
8911178	Z A KEITH HORSE TRANSPORT LLC	Truck	Liability
8912586	RICHARD M THORNTON	Truck	Liability
8914320	CHAD TUTTLE	Truck	Cargo
8914542	DAVID A GUBALA	Truck	Liability and Cargo
8914620	JOHN BARRETT	Truck	Liability
8915402	JOSE F JOSE	Truck	Liability and Cargo
8915520	TRANS AM LLC	Truck	Liability and Cargo
8916212	CACHORRO TRANSPORT LLC	Truck	Cargo
8916389	IRONCLAD LOGISTICS LLC	Truck	Liability
8916462	WEAKLAND WRECKERS LLC	Truck	Cargo
8916920	BLACK MAGIC TRUCKING LLC	Truck	Liability
8917079	DAVID J KEPHART	Truck	Liability
891741	WILLIS TRUCKING COMPANY	Truck	Liability and Cargo
8917434	G & Y TRANSPORTATION LLC	Truck	Cargo
8917601	SIDNEY SMITH	Truck	Liability and Cargo
8918212	KYLE T BAUMANN	Truck	Liability and Cargo
8918668	PAUL J FISHER	Truck	Liability and Cargo
8918755	INDUSTRIAL TRUCKING LLC	Truck	Liability and Cargo

8919864	HYDRO HAULING OPERATIONS LP	Truck	Liability
8920319	DCB DELIVERIES LLC	Truck	Liability and Cargo
8920380	DUKE TRUCKING LLC	Truck	Liability and Cargo
8920560	LUKWARO & COMPANY INCORPORATED	Truck	Liability and Cargo
8920734	THOMAS JAY EMERY	Truck	Liability
8920825	DIAMOND VALLEY TRANSPORT LLC	Truck	Cargo
8920901	ESK TRUCKING INCORPORATED	Truck	Liability
8920905	LB TRANSPORTATION LLC	Truck	Liability and Cargo
8921003	FREED TRANSPORT LLC	Truck	Cargo
8921762	JJS TRANSPORTATION & DISTRIBUTION CO INC	Truck	Liability
8921786	KENNETH PEACE	Truck	Liability
8921987	ANDERSON PLUMBING & EXCAVATING LLC	Truck	Cargo
8922260	BOWES TRUCKING INC	Truck	Liability
8922337	BUJDOS ONE TRUCKING LLC	Truck	Liability and Cargo
8922614	DULLS TOWING LLC	Truck	Liability and Cargo
8922815	BRAVOS TRUCKING LLC	Truck	Liability and Cargo
8922828	NIGHT OWL XPRESS LLC	Truck	Liability
8922907	PREMIUM AUTO CARRIERS LLC	Truck	Liability and Cargo
8923070	MISH LOGISTICS LLC	Truck	Cargo
8923121	DYLAN BEECHER SCHROCK	Truck	Cargo
8923323	A & D TRUCKING EXPRESS LLC	Truck	Cargo
8923467	EDWIN PAUL SHAFFER JR	Truck	Liability and Cargo
8923469	WALTER FRANCIS BETTER CONNECTIONS LLC	Truck	Liability and Cargo
8923569	PEREZ SERVICES EXPRESS LLC	Truck	Liability and Cargo
8923748	BLACK MOUNTAIN ENTERPRISES LLC	Truck	Cargo
8923762	PANTUSA TOWING PHILADELPHIA LLC	Truck	Cargo
8923790	JTB TRANSPORTATION LLC	Truck	Cargo
8923800	RKD TRUCKING LLC	Truck	Liability and Cargo

8923813	J & S FREI LOGISTICS INC	Truck	Liability and Cargo
8923875	M MICHOLAS TRUCKING LLC	Truck	Liability and Cargo
8923965	VICS TOWING LLC	Truck	Liability and Cargo
8924088	LANDSMAN LOGISTICS LLC	Truck	Liability and Cargo
8924271	NEW LIFE CONTRACTING SOLUTIONS LLC	Truck	Liability and Cargo
8924283	MARCO T LLC	Truck	Liability and Cargo
8924330	INCREDIBLE HAWK TRUCKING LTD	Truck	Liability and Cargo
8924450	Y AND W LLC	Truck	Liability and Cargo
8924472	KIDD RAUDABAUGH ENTERPRISES LLC	Truck	Liability and Cargo
8924503	LYRIC TRANSPORTERS INC	Truck	Liability and Cargo
8924549	LETS ROLL LOGISTICS LLC	Truck	Liability and Cargo
8924593	WHITSELS TRUCKING LLC	Truck	Liability and Cargo
8924696	LIGHTSPEED TRANSPORTATION INC	Truck	Liability and Cargo
8924763	HD MOBILE AUTO LLC	Truck	Liability and Cargo
8924853	AVENUE AUTO TRANSPORT LLC	Truck	Liability and Cargo
8924911	MEE TRUCKING LLC	Truck	Cargo
899619	PROLINE PIPELINE INC	Truck	Liability