

Law Offices

**VUONO & GRAY, LLC**

310 Grant Street, Suite 2310

Pittsburgh, PA 15219-2383

*John A. Vuono  
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Email Address  
wgray@vuonogray.com

January 14, 2015

Re: B & M Moving, LLC  
Docket No. A-2014-2425987

Ms. Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265

RECEIVED  
2015 JAN 21 AM 10:59  
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SECRETARY'S BUREAU

Dear Ms. Chiavetta:

We enclose for filing with the Commission a Motion to Compel in connection with the above-captioned application proceeding. We are serving a copy of this Motion on the applicant and on the other parties of record. We have also provided a copy of the Motion to the Administrative Law Judge.

Please acknowledge receipt and filing of the enclosed on the duplicate copy of this letter of transmittal and return it to the undersigned in the self-addressed, stamped envelope provided.

Very truly yours,

VUONO & GRAY, LLC

  
William A. Gray

mm/146803

Enclosure

cc: Administrative Law Judge Katrina L. Dunderdale (by email w/enc.)  
B & M Moving, LLC (w/enc.)  
Lytle's Transfer & Storage, Inc.  
Weleski Transfer, Inc.  
Hoy Transfer, Inc.

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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DOCKET NO. A-2014-2425987

B & M MOVING, LLC

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MOTION TO COMPEL

Lytle's Transfer & Storage, Inc., Hoy Transfer, Inc., and Weleski Transfer, Inc. (protestants), by their counsel, VUONO & GRAY, LLC, submit this Motion to Compel and request the Commission to issue an order requiring the applicant to answer the Interrogatories filed by the protestants, or face possible sanctions, including dismissal of the application. *In support of the Motion, protestants submit as follows:*

1. Protestants served Interrogatories on the applicant on November 18, 2014, as set forth in the Certificate of Service filed with the Commission, which is attached to this Motion as Appendix 1.
2. Protestants' Interrogatories requested information pertinent to the issues of fitness and need for service. A copy of protestants' Interrogatories is attached to this Motion as Appendix 2.
3. The applicant did not file timely objections to protestants' Interrogatories.

4. Protestants' Interrogatories demanded that the applicant file and serve full and complete written answers to each interrogatory within twenty (20) days after the date of service pursuant to 52 Pa. Code §5.342.

5. The applicant has not provided answers to the Interrogatories attached hereto as of this date.

6. Protestants' counsel sent a letter to the applicant dated December 12, 2014, indicating that answers to Interrogatories had not been received and requesting that the answers be provided. A copy of this letter is attached to this Motion as Appendix 3.

7. Protestants' counsel sent a letter to the applicant dated January 6, 2015, indicating that answers to Interrogatories had not been received and requesting that the answers be provided by no later than January 9 or the protestants would have no alternative but to file a Motion to Compel. A copy of this letter is attached to this Motion as Appendix 4.

8. The Commission issued a hearing notice on December 30, 2014 scheduling a hearing on February 4, 2015, in Pittsburgh.


9. The information requested in the Interrogatories is sought to be discovered in order to permit the protestants to prepare for the hearing and to properly cross-examine witnesses for the applicant.

10. Protestants hereby request that the applicant be directed to answer the Interrogatories by no later than the close of business on January 23, 2015 or face possible sanctions, including dismissal of the application.

WHEREFORE, Protestants respectfully request this Commission enter an Order compelling the applicant to provide answers to protestants' Interrogatories by delivering the answers to protestants' counsel by no later than the close of business on January 23, 2015 or face possible sanctions including dismissal of the application.

Respectfully submitted,

VUONO & GRAY, LLC

By:   
William A. Gray, Esq.  
Attorney for  
Hoy Transfer, Inc.  
Lytle's Transfer & Storage, Inc.  
Weleski Transfer, Inc.

VUONO & GRAY, LLC  
310 Grant Street, Suite 2310  
Pittsburgh, PA 15219  
(412) 471-1800

Dated: January 14, 2014

/146789

Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION


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IN RE: )  
 )  
Application of ) Docket No. A-2014-2425987  
B & M Moving, LLC )

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CERTIFICATE OF SERVICE

William A. Gray, attorney for Protestants, Lytle's Transfer & Storage, Inc., Weleski Transfer, Inc. and Hoy Transfer, Inc., hereby certifies that on the 18<sup>th</sup> day of November, 2014, he did serve the original and two (2) true and correct copies of Interrogatories Directed to the Applicant upon B & M Moving, LLC, 311 Skyview Drive North, Jeannette, PA 15644, by certified mail, postage prepaid.

  
\_\_\_\_\_  
William A. Gray, Esq.  
Attorney for Protestants

VUONO & GRAY, LLC  
310 Grant Street, Suite 2310  
Pittsburgh, PA 15219  
412-471-1800

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Before the  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

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IN RE: )  
 )  
Application of ) Docket No. A-2014-2425987  
B & M MOVING, LLC )

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INTERROGATORIES DIRECTED TO THE APPLICANT

Protestants, Lytle's Transfer & Storage, Inc., Weleski Transfer, Inc. and Hoy Transfer, Inc., by their attorneys, submit the following Interrogatories to B & M Moving, LLC ("Applicant") and demand that the Applicant file and serve full and complete written answers to each Interrogatory under oath with twenty (20) days after the date of the service hereof pursuant to 52 Pa. Code §5.342.

The request for information, as set forth in these Interrogatories, shall be of a continuing nature, with the understanding that it shall be the responsibility of Applicant to furnish updated responses to the questions herein, up to and including the time at which the hearing on the merits of this case is held.

**RECEIVED**

JAN 21 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

## INTERROGATORIES

1. Identify each and every motor vehicle presently owned by the Applicant or leased by the Applicant from some other party which it proposes to use in providing the service sought by this application. For each vehicle, indicate the owner, the date of manufacture, serial number, type of vehicle, and the date when the vehicle was acquired, either by purchase or lease, by the Applicant.

ANSWER:

2. Identify each and every facility of the Applicant, or location where the Applicant domiciles equipment or will domicile equipment, which is intended to be utilized in providing the service sought by this application.

ANSWER:

3. Identify the name and address of each witness the Applicant expects to call in this case and provide the name of the company the witness represents, if any, and provide a summary of his/her expected testimony, including any testimony pertaining to the Protestants herein.

ANSWER:

4. Identify each instance since January 1, 2013, where the Applicant has transported household goods for compensation from one point in Pennsylvania to another point in Pennsylvania. For each such instance, provide the following information: date of trip; origin of trip; destination of trip; number of vehicles provided (if any); and payment received.

ANSWER:

5. Identify and furnish copies of any management agreements, vehicle leases, subcontracting agreements, licensing agreements or any other type of agreements the Applicant has with any other party which have been involved where the Applicant has provided any service involving the transportation of household goods for compensation from one point in Pennsylvania to another point in Pennsylvania.

ANSWER:

6. Describe in detail, and furnish copies, of all studies, analyses, projections and forecasts concerning the Applicant's proposed service sought by this application.

ANSWER:



7. Identify each exhibit Applicant intends to offer into evidence in this case.

Please attach to your answers copies of these exhibits.

ANSWER:

8. State whether the Applicant has ever been contacted, verbally or in writing, by the Pennsylvania Public Utility Commission or its agents or employees questioning any transportation services performed by the Applicant. If so, state when said contact was made and state in detail the nature that the specifics involved.

ANSWER:

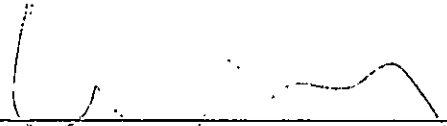
9. Identify each and every formal and/or informal complaint against the Applicant received from or filed with the Pennsylvania Public Utility Commission since January 1, 2013 and, for each complaint, state: Date of complaint; date of trips(s); origin of trip(s); destination of trip(s); and how the complaint was resolved. Please attach to your answers copies of each formal and/or informal complaint, any and all responses submitted by the Applicant, and any Orders or other documents issued by the Public Utility Commission relating to each formal and/or informal complaint.

ANSWER:

10. Is the Applicant affiliated in any way with any other entity licensed by the Public Utility Commission? If so, identify the entity and the affiliation.

ANSWER:

Dated: November 18, 2014

By:   
William A. Gray, Esq.  
VUONO & GRAY, LLC  
310 Grant Street, Suite 2310  
Pittsburgh, PA 15219-2383  
Attorney for Protestants

B & M MOVING, LLC

Dated: \_\_\_\_\_

By: \_\_\_\_\_

/144551

VERIFICATION

I verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information and belief. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

\_\_\_\_\_

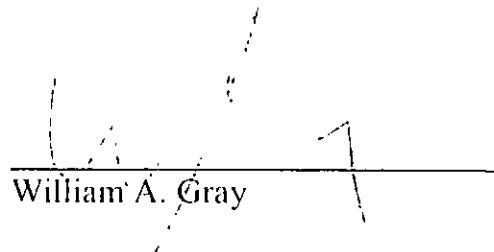
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2015 JAN 21 AM 10:58  
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SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

William A. Gray, attorney for Protestants, hereby certifies that on the 18<sup>th</sup> day of November, 2014 he did serve the original and two (2) true and correct copies of the foregoing Interrogatories upon the applicant, by first class mail, postage prepaid, at the address as set forth below:

B & M Moving, LLC  
311 Skyview Drive North  
Jeannette, PA 15644

  
\_\_\_\_\_  
William A. Gray

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*Telephone  
412-471-1800*

*Facsimile  
412-471-4477*

*www.vuonogray.com*

*Email Address  
wgray@vuonogray.com*

December 12, 2014

Re: B & M Moving, LLC  
Docket No. A-2014-2425987

B & M Moving, LLC  
311 Skyview Drive North  
Jeannette, PA 15644

Dear Ladies and Gentlemen:

We served you with Interrogatories by certified mail delivered on November 20. These Interrogatories indicated that they were to be answered within 20 days after the date of service pursuant to 52 Pa. Code §5.342. We have not yet received your answers to these Interrogatories. Please provide us with these answers to the Interrogatories as soon as possible.

Very truly yours,

VUONO & GRAY, LLC

William A. Gray

mm/145900

cc: Lytle's Transfer & Storage, Inc.  
Weleski Transfer, Inc.  
Hoy Transfer, Inc.

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*Telephone  
412-471-1800*

*Facsimile  
412-471-4477*

*www.vuonogray.com*

*Email Address  
wgray@vuonogray.com*

January 6, 2015

Re: B & M Moving, LLC  
Docket No. A-2014-2425987

B & M Moving, LLC  
311 Skyview Drive North  
Jeannette, PA 15644

Dear Ladies and Gentlemen:

We have received a hearing notice from the Public Utility Commission scheduling a hearing in connection with the above application for February 4. You still have not provided us with Answers to our Interrogatories, which were served on you by Certified Mail on November 20. If we have not received these answers by the close of business this Friday, January 9, we intend to file a Motion to Compel with the Administrative Law Judge.

Very truly yours,

VUONO & GRAY, LLC

William A. Gray

mm/146521

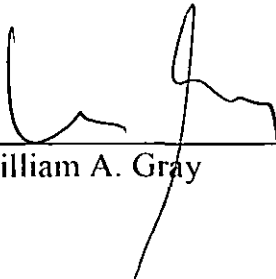
cc: Lytle's Transfer & Storage, Inc.  
Weleski Transfer, Inc.  
Hoy Transfer, Inc.

RECEIVED  
2015 JAN 21 AM 10:58  
PA.P.U.C.  
SECRETARY'S BUREAU

CERTIFICATE OF SERVICE

William A. Gray, attorney for Protestants, hereby certifies that on the 14th day of January, 2015 he did serve a true and correct copy of the foregoing Motion to Compel upon applicant by first class mail, postage prepaid, at its address as follows:

B & M Moving, LLC  
311 Skyview Drive North  
Westmoreland County, PA 15644

  
\_\_\_\_\_  
William A. Gray

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JAN 21 2015

PA PUBLIC UTILITY COMMISSION  
SECRETARY'S BUREAU

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THU 15 JAN 2015 PM

Law Offices

**VUONO & GRAY, LLC**

310 Grant Street, Suite 2310  
Pittsburgh, PA 15219-2383

**TO:**

Ms. Rosemary Chiavetta  
Secretary  
Pennsylvania Public Utility Commission  
P. O. Box 3265  
Harrisburg, PA 17105-3265