

PENNSYLVANIA PUBLIC UTILITY COMMISSION
Uniform Cover and Calendar Sheet

1. REPORT DATE: June 8, 2004	2. BUREAU AGENDA NO. JUN-2004-TSM-0102*
3. BUREAU: Transportation and Safety	5. PUBLIC MEETING DATE: June 24, 2004 <div style="text-align: center; font-size: 2em; font-weight: bold; border: 1px solid black; padding: 5px;"> DOCKETED JUL 01 2004 </div>
4. SECTION(S): MCS&E	
6. APPROVED BY: Legal Review: <i>RKS</i> Director: Hoffman 3-3845 Supervisor: Minder 7-1168	
7. PERSONS IN CHARGE: Travitz 7-5513	
8. DOCKET NO.: A-00089650, F 6004 (ETA)	

- 9. (a) CAPTION (abbreviate if more than 4 lines)**
(b) Short summary of history & facts, documents & briefs
(c) Recommendation
- (a) Application of Williamsport Moving Co., Inc., t/d/b/a Keystone Relocation, Williamsport, Lycoming County, a corporation of the Commonwealth of Pennsylvania, for Emergency Temporary Authority (ETA), to transport, as a common carrier, by motor vehicle, household goods, in use, between points in the county of Centre, and from points in said county, to points in Pennsylvania, and vice versa.
- (b) Applicant seeks to immediately begin providing service under a grant of Emergency Temporary Authority (ETA). A permanent authority application filed October 29, 2002, seeking the same right as requested herein, was protested by seven (7) carriers. An Initial Decision entered May 6, 2004 granted applicant the same authority requested herein. Exceptions and reply exceptions were filed. The case was assigned to the Office of Special Assistants (OSA) on June 2, 2004 for handling. Three (3) boiler plate style statements in support of the ETA were presented. With seven (7) carriers available to provide service we find that no immediate emergency need exists.
- (c) The Bureau of Transportation and Safety recommends that the Commission adopt the proposed Tentative Order denying the application for Emergency Temporary Authority.

10. MOTION BY: Commissioner Chm. Fitzpatrick Commissioner Thomas - Yes
 Commissioner Pizzingrilli - Yes
SECONDED: Commissioner Bloom Commissioner Holland - Yes

CONTENT OF MOTION: Staff recommendation adopted.

DOCUMENT
FOLDER



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
P.O. BOX 3265, HARRISBURG, PA 17105-3265

IN REPLY PLEASE
REFER TO OUR FILE

June 29, 2004

A-00089650F6004

JAMES P MELIA ESQUIRE
KIRKPATRICK & LOCKHART LLP
240 N 3RD ST
PAYNE SHOEMAKER BUILDING
HARRISBURG PA 17101-1507

DOCUMENT

Application of Williamsport Moving Co., Inc., t/d/b/a Keystone Relocation

DOCKETED

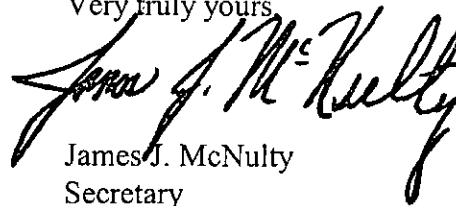
JUL 12 2004

To Whom It May Concern:

This is to advise you that the Commission in Public Meeting on June 24, 2004 has adopted a Tentative Order in the above entitled proceeding.

A Tentative Order has been enclosed for your records.

Very truly yours,


James J. McNulty
Secretary

Rpb
Enclosure
Cert Mail
Receipt Requested

WILLIAMSPORT MOVING CO INC
T/D/B/A KEYSTONE RELOCATION
3340 WAHOO DRIVE
WILLIAMSPORT PA 17701

PENNSYLVANIA
PUBLIC UTILITY COMMISSION
Harrisburg, PA 17105-3265

Public Meeting held June 24, 2004

Commissioners Present:

Terrance J. Fitzpatrick, Chairman
Robert K. Bloom, Vice-Chairman
Glen R. Thomas
Kim Pizzingrilli
Wendell F. Holland

DOCKETED

JUL 12 2004

Application of Williamsport Moving Co., Inc., t/d/b/a Keystone Relocation, Williamsport, Lycoming County, a corporation of the Commonwealth of Pennsylvania, for emergency temporary authority (ETA), to transport, as a common carrier, by motor vehicle, household goods, in use, between points in the county of Centre, and from points in said county, to points in Pennsylvania, and vice versa.

A-00089650
F. 6004
(ETA)

WILLIAMSPORT MOVING CO INC
T D B A KEYSTONE RELOCATION
3340 WAHOO DRIVE
WILLIAMSPORT PA 17701

DOCUMENT

Kirkpatrick & Lockhart LLP by James P. Melia for applicant.

TENTATIVE ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application for Emergency Temporary Authority (ETA) filed May 27, 2004. No application for Temporary Authority has been filed. An application for permanent authority was filed on October 29, 2002. Its status is discussed below.

DISCUSSION AND FINDINGS:

Williamsport Moving Co., Inc. trading and doing business as Keystone Relocation (applicant or Williamsport Moving) states that the reason for the filing the ETA is because the Commission has had its application for permanent authority since October 2002; that Administrative Law Judge (ALJ) Schnierle wrote an Initial Decision (ID); but, given the appeal process, customers in Centre County will be denied an opportunity to use applicant's service this summer unless the ETA is granted.

Williamsport Moving is a currently certificated PUC common carrier with authority to transport property and household goods in use. Applicant has facilities in the city of Williamsport, Lycoming. At the present time, it does not have permanent facilities in Center County, where the request for ETA service has been made. The equipment consists of seven (7) straight trucks, two (2) tractor-trailers and two (2) pack units. Applicant has current evidence of insurance on file; no assessments or fines are due.

Three (3) boiler plate style statements were filed in support of the ETA. The statements all indicate that they would like to have the option of securing a quote for their move and that they think they are entitled to have the option of selecting the mover they feel most comfortable with. The statements further indicate that without the ability to get a quote from applicant they are being denied the opportunity to choose what is best for their family or at the level of service they desire and/or the price for such services. All parties indicate that they contacted one, two or three of the protesting parties for quotes for service and none of the carriers failed or refused to provide them service. The statements fail to indicate the exact points of destination for the moves, just that they need service within the scope of the ETA.

Upon review of the application for permanent authority filed by Williamsport Moving at A-00089650, F. 2, Am-E we find the following case history. The permanent application was filed October 29, 2002 seeking the same right as requested herein for ETA. The permanent application was protested by seven (7) carriers. The protestants are as follows: Parks-Centre Carriers, Inc., Parks Moving & Storage, Inc., Parks Van & Storage, Inc., Parks Moving Systems, Inc., Williams Moving & Storage, Inc., Hoy Transfer, Inc., and Yeagle's Moving Corp., t/d/b/a Sullivan's Moving & Storage. Hearings were held and ALJ Schnierle's ID was entered on May 6, 2004 granting applicant the requested authority herein. Exceptions were filed on May 18, 2004 by all seven (7) protestants. Reply exceptions were filed by applicant on May 24, 2004. The exceptions and reply exceptions were assigned to the Office of Special Assistants on June 2, 2004 for handling.

Regulations at 52 Pa. Code §3.384(b) state:

(1) *General.* Grants of TA or ETA shall be made upon the establishment of an immediate need for the transportation of passenger or of household goods in use. . . .

(2) Immediate need. A grant of TA or ETA will be made when it is established that there is or soon will be an immediate transportation need. A showing of immediate need may involve ... an origin or destination not presently serviced by carriers, a discontinuance of existing service, failure of existing carriers to provide service or comparable situation which require new carrier service before an application for permanent authority can be filed and processed. An immediate need will not normally be found to exist when there are other carriers capable of rendering the service unless it is determined that there is a substantial benefit to be derived from the initiation of a competitive service.

Review of the case information reveals that there are seven (7) carriers available to provide the requested service. None of the carriers (who are also the protesting parties) approached by the supporting parties have failed or refused to provide the requested service. Even though the ID for permanent authority granted the requested authority herein, exceptions and reply exceptions have been filed and that proceeding is now in the appeal process for an undetermined time. Though the permanent application is still in the appeal process, we do not believe this circumstance warrants a favorable grant of ETA.

Applicant and the supporting parties have failed to demonstrate that an immediate need exists when there are seven (7) carriers available to provide the service. The information in the ETA fails to meet the threshold for a grant of ETA authority as set forth in the regulations at 52 Pa. Code §3.384. We have determined that an emergency immediate need fails to exist warranting the grant of ETA.

After complete review of the record, we find:

1. Applicant seeks a grant of emergency temporary authority.
2. Applicant is a currently certificated carrier providing property and household goods in use service.
3. Three (3) boiler plate style statements were presented in support.
4. All supporting parties have been in contact with either one, two or three of the protesting parties and received quotes for the moves; none of the protesting parties failed or refused to provide the requested service.
5. Applicant's permanent authority application involving the same authority requested herein has been protested by seven (7) carriers.
6. ALJ Schnierle issued an Initial Decision entered May 6, 2004 granted the permanent authority in total.

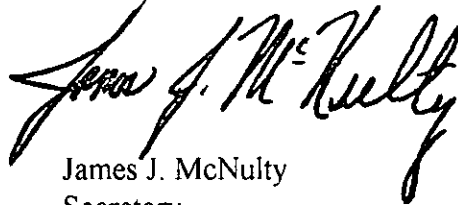
7. All protestants filed exceptions on May 18, 2004 to the Initial Decision; reply exceptions were filed on May 24, 2004 by the applicant.
8. The exceptions and reply exceptions were referred to the Office of Special Assistants on June 2, 2004 for handling.
9. The length of time and the determination regarding further appeal is unknown.
10. Due to the fact that there are seven (7) carriers available to provide the service, we do not find that an immediate need exists; **THEREFORE,**

IT IS ORDERED: That the application for Emergency Temporary Authority be and is hereby denied for failure to show that an immediate need exists.

IT IS FURTHER ORDERED: That our decision in this application will have no bearing on our decision in the application for permanent authority.

IT IS FURTHER ORDERED: That, unless exceptions are filed within twenty (20) days from the date of the entry of this Tentative Order, this Tentative Order shall become final.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: June 24, 2004

ORDER ENTERED: JUN 29 2004

2. Article Number



7160 3901 9843 0006 2849

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) **Yes**

1. Article Addressed to:

JAMES P. Melia Esq.
A-00089650 F6004 O.

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

6/30/04

C. Signature

X

[Handwritten Signature]

Agent

Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below:

Yes

No

PS Form 3811, February 2003

Domestic Return Receipt

2. Article Number



7160 3901 9843 0006 2856

3. Service Type **CERTIFIED MAIL**

4. Restricted Delivery? (Extra Fee) **Yes**

1. Article Addressed to:

Williamsport Spring Co. Inc
A-0008965 F6004 O.

COMPLETE THIS SECTION ON DELIVERY

A. Received by (Please Print Clearly)

B. Date of Delivery

6-30

C. Signature

X

[Handwritten Signature]

Agent

Addressee

D. Is delivery address different from item 1?
If YES, enter delivery address below:

Yes

No

PS Form 3811, February 2003

Domestic Return Receipt