

Gino L. Andreuzzi
Attorney At Law

85 Drasher Rd., STE II
Drums, PA 18222
Telephone (570) 788-5373
FAX No. (570) 788-3535
MEMBER OF PA, FL, & CA BARS
November 5, 2010

Secretary
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105

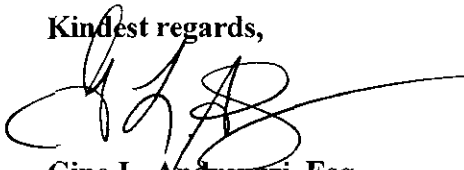
**RE: Protest Against The Application Of Bradley A. Kleffel
T/D/B/A Kleffel's Moving and Delivery Service
Application No. A-2010-2202568**

Dear Secretary:

Please file the enclosed by LaBuda Trucking, Inc., my client, against the application of Bradley A. Kleffel, T/D/B/A Kleffel's Moving and Delivery Service, which is presently before the Commission. Also accept this as an entry of appearance and authorization to notify me of further proceedings I this matter.

Please clock and return the copy provided, together with the copy of the enclosed certificate of service.

kindest regards,



Gino L. Andreuzzi, Esq.
GLA/lga
Enc.
cc: Applicant, Kleffel
Client

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SECRETARY'S BUREAU

ORIGINAL

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

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SECRETARY'S BUREAU

**IN RE: APPLICATION OF Bradley A. Kleffel
t/a Kleffel's Moving & Delivery Service**

**AS A CONTRACT CARRIER,
HOUSEHOLD GOODS IN USE,
BETWEEN POINTS IN THE
COMMONWEALTH OF PENNSYLVANIA**

A-2010-2202568

PROTEST

AND NOW COMES LABUDA TRUCKING, INC., a mover and carrier of common household goods in the area of Hazleton, Pennsylvania, a copy of said authorization attached hereto and made a part hereof by and through its counsel, Gino L. Andreuzzi, Esquire, undersigned, and files protest to the application of the above as follows:

1. The Protestant is LABUDA TRUCKING, INC., 227 W. Carleton Avenue, Hazleton, PA 18201 —Phone Number 570-454-7636. Protestant has rights to move household goods in use between points of the Commonwealth from Hazleton, Pennsylvania with a radius of ten (10) miles.
2. A copy of the Protestant's authority is attached hereto and made a part hereof by reference. The certificate number is A-97824.
3. The Application of Bradley A. Kleffel t/a Kleffel's Moving & Delivery Service, 5490 Berne Road, Mohrsville, Berks County, PA 19541 requests permission from the Commonwealth to transport household goods in use, from points in the Counties of Lehigh, Schuylkill, Lebanon, Carbon and Montgomery to points in Pennsylvania and vice versa. The Applicant's number is A-25202568, and previously was A-00122508.
4. The Applicant's proposed operating rights will infringe upon the right of the Protestant. The Protestant's area of business is already saturated, and there is no need for additional granting of rights of the Applicant for any such competing services. The Protestant is now operating in a shrinking market and will suffer adverse financial impact.
5. Restriction or amendment of the application would require excluding the Applicant from operating in the Protestant's area of authority.
6. The Protestant has standing to contest this matter since Protestant's area of business is encompassed by the Applicant's area of proposed business.

7. The protest is to the application in its request for any temporary authority or in its request for any permanent authority, or both.

8. The Protestant wishes to be allowed to participate in the proceeding as a party Intervenor.

9. The applicant formerly traded under the business name of Brad's Home and Lawn Care, until such name was amended as of June 28, 2009, to Kleffel's Moving and Delivery Service, as indicated in the within application. The applicant's current or former PUC No. was A-00122508.

10. Trading as Brad's Home and Lawn Care, the applicant obtained operating rights as set forth in the decision of the ALJ made March 1, 2007 and entered March 8, 2007. Reference is made to the decision in full, incorporated herein by reference. A copy is also attached hereto

11. Under said decision the applicant's operating authority was limited to Berks County.

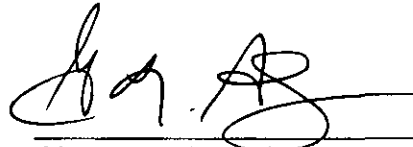
12. Applicant's case has already been adjudicated and the procedure employed herein violates the laws and regulations of the P.U.C.as regards the method and manner used. Applicant is unlawfully attempting to expand his authority by applying for these rights again under a new fictitious name.

WHEREFORE, the Protestant requests the Commission to dismiss this application.

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Gino L. Andreuzzi, Esq.
Attorney for LaBuda Trucking, Inc.
85 Drasher Rd., Ste II
Drums, PA 18222
Sup. Ct. Id no. 23140
570-788-5373

CERTIFICATE OF SERVICE

I hereby certify that I did serve upon the following a true and correct copy of the foregoing protest of LABUDA TRUCKING, INC. by ordinary first class U.S. mail, as per the attached certificate of mailing postal forms 3817, attached hereto on November 5, 2010.

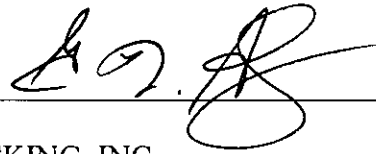
The applicant:

Bradley A. Kleffel, t/a, Kleffel's Moving & Delivery Service

5490 Berne Road,
Mohrsville, PA 19541

Counsel for the applicant:

None listed.



Gino L. Andreuzzi, Esq.
Attorney for LABUDA TRUCKING, INC.
85 Drasher Rd., Ste. II
Drums, PA 18222
Sup. Ct. Id no. 23140
570-788-5373

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SCOPE OF CARRIER'S OPERATING AUTHORITY

Certificate No. A - 97824

From the Protestor's Operating Authority:

Item 5. To transport, as a Class D carrier, household goods in use from points in the borough of Freeland, Luzerne County and within ten (10) miles by the usually traveled highways of the limits of said borough to other points in Pennsylvania, and vice versa.

Item 9. To transport, as a Class D carrier, household goods and office furniture, in use between points in the county of Schuylkill.

Item 10. To transport, as a Class D carrier, household goods and office furniture, in use, from points in the county of Schuylkill to other points in Pennsylvania, and vice versa.

Item 13. To transport, as a Class D carrier, household goods and office furnishings and store fixtures in use between points in the city of Hazleton, Luzerne County, and within ten (10) miles by the usually traveled highways of the limits of said city.

Item 14. To transport, as a Class D carrier, household goods and office furnishings and store fixtures in use from points in the city of Hazleton, Luzerne County, and within ten (10) miles by the usually traveled highways of the limits of said city to points in Pennsylvania, and vice versa.

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SECRETARY'S BUREAU

The

Miller Law Group

PLLC

25 Stevens Avenue
West Lawn, PA 19609
(610) 670-9000

Email: lmillerr@millerlawgroup.net

Facsimile: (610) 670-9901

September 8, 2006

Hon. Louis G. Cocheres
Administrative Law Judge
P.O. Box 3265
Harrisburg, PA 17105-3265

VIA FACSIMILE ONLY
717-787-0481

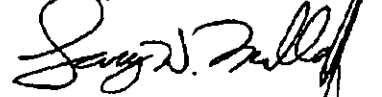
Re: PUC Application A-00122508 Bradley A. Kleffel
t/a Brad's Home and Farm Care

Dear Judge Cocheres:

This letter is to advise you that the parties in this case have settled this matter. The parties have agreed for the Applicant to amend his application to apply for a territory including only the County of Berks County, and each of the Protestants have agreed to withdraw their objections.

Could you please postpone the hearing scheduled in this matter for Tuesday, September 12, 2006, until a time when the parties can execute paperwork effectuating this agreement? I believe you would agree a hearing should not be necessary any longer. On behalf of each of the attorneys and their clients, we thank you for your efforts in this case.

Sincerely,



Larry W. Miller, Jr., Esquire
Miller Law Group, PLLC

cc:

Bradley A. Kleffel
5490 Berne Road
Mohrsville, PA 19541

Frederick J. Fanelli, Esquire
Riley and Fanelli, P.C.
The Necho Allen
No. 1 Mahantongo Street
Pottsville, PA 17901
(VIA FACSIMILE)

William H. R. Casey, Esquire
99 East Court Street
Doylestown, PA 18901
(VIA FACSIMILE)

Gino L. Andreuzzi, Esquire
85 Drasher Road, Suite II
Drums, PA 18222
(VIA FACSIMILE)

James J. McNulty, Secretary
Commonwealth of Pennsylvania
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

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

Public Meeting held March 1, 2007

Commissioners Present:

Wendell F. Holland, Chairman
James H. Cawley, Vice Chairman
Kim Pizzingrilli
Terrance J. Fitzpatrick

Application of Bradley A. Kleffel, t/a Brad's Home and Farm Care, for the right to begin to transport, as a common carrier, by motor vehicle, household goods in use, from points in the counties of Berks, Lehigh, and Schuylkill, to points in Pennsylvania, and vice versa.

A-00122508

Miller Law Group, PLLC by Larry W. Miller, Jr. for the applicant.
Gino L. Andreuzzi for protestant, LaBuda Trucking, Inc.
Riley & Fanelli, P.C. by Frederick J. Fanelli for protestant, Pottsville Moving & Storage Co., Inc.
William H. R. Casey for protestants: Ace Moving & Storage Corp.; Adam Meyer, Inc.; Fisher-Hughes of Allentown; Keller Moving & Storage, Inc.; O'Brien's Moving & Storage, Inc.; Shively's Moving & Storage Co.

ORDER

BY THE COMMISSION:

This matter comes before the Commission on an application filed January 17, 2006. Public notice of the application was given in the *Pennsylvania Bulletin* of March 25, 2006 with protests due by April 17, 2006. The above-referenced carriers protested the application. The matter was assigned to the Office of Administrative Law Judge for processing on May 8, 2006. The protest was withdrawn upon restrictive amendment and the case was assigned back to the Bureau of Transportation and Safety on October 10, 2006 to be handled under modified procedures.

By letter dated October 13, 2006 applicant was requested to submit verified statements. On November 14, 2006 the applicant requested an extension of time in which to comply with the request. An extension of 45 days was granted by letter dated November 21, 2006. The verified statement of applicant and 19 verified statements in support were received on

December 18, 2006. The now unopposed application is certified to the Commission for its decision without oral hearing.

DISCUSSION AND FINDINGS

Bradley A. Kleffel (applicant) seeks the initial right to transport household goods in use. He has no formal experience in the moving of household goods; however, his experience includes driving trucks for a certificated carrier of property. Other experience also consists of transporting agricultural products from farms to market.

Applicant's facilities are located in his home at 5490 Berne Road, Mohrsville, Berks County. The office is equipped with a phone, computer, printer, copier, and fax machine. Communications consist of a land line telephone and cellular phones.

The applicant will begin his operation with a 2000 Ford Excursion hauling a 2005 Haulmark Trailer. Applicant's business plans include the purchase of a 17 - 24 foot box truck after receiving the Commission's approval.

In the description of his safety program, applicant states that he will personally perform preventative maintenance at regular intervals. Applicant will ensure that all prospective employees will be screened for good driving records. All employees will be required to participate in random drug testing.

The balance sheet of the applicant dated December 1, 2006 shows total assets of \$34,000 and total liabilities of \$9,000. Applicant has a net worth of \$25,000.

Applicant has made application for the required insurance with the W. N. Tuscano Insurance Agency. It has been determined that the applicant has the means and is able to purchase the necessary insurance.

The application was protested by LaBuda Trucking, Inc., Pottsville Moving & Storage Co., Inc., Ace Moving & Storage Corp., Adam Meyer, Inc., Fisher-Hughes of Allentown, Keller Moving & Storage, Inc., O'Brien's Moving & Storage, Inc., and Shively's Moving & Storage Co. The protests were withdrawn by excluding service from points in Lehigh and Schuylkill Counties and restricting service to only points in Berks County.

The application is supported by 19 parties who attest that they have a need for and will utilize the applicant's service if approved by the Commission. The supporters represent all areas of the county proposed in the application. Applicant has sufficiently demonstrated that a demand for the service exists in the territory as amended.

We further advise the applicant of the obligation to become familiar with the requirements of 52 Pa. Code as applicable to the operation of a motor carrier as authorized by this grant of authority. Failure to comply with all applicable requirements may subject the carrier

to penalties, including fines, suspension of operating rights or cancellation of authority. Title 52 of the Pennsylvania Code may be accessed on the World Wide Web at www.pacode.com.

After complete review of the record, we find:

1. Applicant seeks the initial right to provide household good in use service.
2. The application was protested by eight carriers and the protests were withdrawn as discussed supra.
3. The application is supported by 19 parties.
4. The applicant has the equipment, ability and fitness necessary to render the service, as amended.
5. The evidence of record is sufficient to establish necessity for the service, as amended.
6. Approval of the application, as amended, is necessary for the accommodation and convenience of the public; **THEREFORE,**

IT IS ORDERED: That the application be and is hereby approved granting the following right:

To transport, as a common carrier, by motor vehicle, household goods in use, between points in the county of Berks.

IT IS FURTHER ORDERED: That the applicant shall not engage in any transportation authorized by this order until the following is submitted to the Commission:

1. Form E, as evidence of bodily injury and property damage liability insurance.
2. Form H, as evidence of cargo liability insurance.
3. A tariff establishing just and reasonable rates.

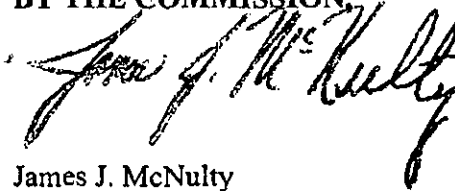
IT IS FURTHER ORDERED: That applicant must demonstrate safety fitness by completing a Safety Fitness Review. Applicant will be contacted by the Commission's Bureau of Transportation and Safety, which will schedule a review to be completed within 180 days of the date your certificate is issued. Failure to submit to a Safety Fitness Review or to attain a satisfactory evaluation will result in cancellation of the certificate.

IT IS FURTHER ORDERED: That the authority granted herein, to the extent that it duplicates authority now held by or subsequently granted to the applicant, shall not be construed as conferring more than one operating right.

IT IS FURTHER ORDERED: That upon compliance with the requirements hereinbefore set forth, a certificate shall issue evidencing the Commission's approval of the right to operate as determined above.

IT IS FURTHER ORDERED: That in the event said applicant has not, on or before sixty (60) days from the date of entry of this order, complied with the requirements hereinbefore set forth, the application shall be dismissed without further proceedings.

BY THE COMMISSION,



James J. McNulty
Secretary

(SEAL)

ORDER ADOPTED: March 1, 2007

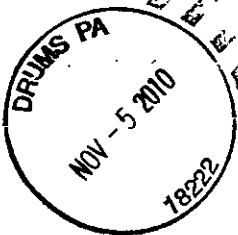
ORDER ENTERED: MAR 08 2007

PLEASE

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From: GINO L. ANDREUZZI
Attorney At Law
85 Drasher Rd., Ste II
Drums, PA 18222

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