

WILLIAM H. R. CASEY
ATTORNEY AT LAW
99 EAST COURT STREET
DOYLESTOWN, PENNSYLVANIA 18901
(215) 348-7300
FAX (215) 348-1456

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

November 30, 2011

Ms Rosemary Chiavetta, Secretary
Commonwealth of Pennsylvania
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120

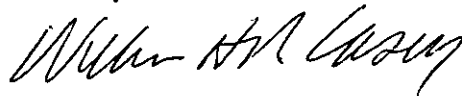
**RE: Application of Bradley A. Kleffel, t/a Kleffel's Moving and Delivery Service
PUC Docket No. A-2010-2202569
Main Brief of Protestants**

Dear Secretary Chiavetta:

Enclosed please find an original Reply Brief of Protestants pertaining to the above-captioned application and nine copies as required by 52 Pa. Code Section 5.502.

Copies are being forwarded to the Applicant's attorney, Larry W. Miller, Jr., Esquire, via e-mail and U.S. Mail and to Administrative Law Judge Angela T. Jones via e-mail and U.S. Mail.

Sincerely,



WILLIAM H.R. CASEY

WHRC/mw
Enclosures

cc: Administrative Law Judge Angela T. Jones
Larry W. Miller, Jr., Esquire

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

In Re:

Application of Docket No. A-2010-2202568
Bradley A. Kleffel, T/A Kleffel's Moving and Delivery Service

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REPLY BRIEF OF PROTESTANTS

**Adam Meyer, Inc.
Clemmer Moving & Storage, Inc.
Fischer-Hughes Transport T/A Fisher Hughes Relocation Services
Frick Transfer, Inc.
Glose Moving & Storage, Inc.
Glose Moving & Storage, Inc., T/A O'Brien's Moving & Storage, Inc.
Reads Van Service, Inc.
Shelly Moving & Storage, Inc.
Shivleys Moving & Storage, Co.**

Protestants, as listed above, (hereinafter called "Protestants") respectfully submits their Reply Brief to Administrative Law Judge Angela T. Jones and requests that this Application be denied.

I. PRESENT STATUS OF THE CASE

In accordance with the briefing schedule approved by Judge Jones, Main Briefs were submitted by both parties and Reply Briefs are due on or before November 30, 2011.

II. REPLY ARGUMENT of PROTESTANTS

On October 5, 2011, Administrative Law Judge Angela T. Jones issued a Briefing Order in the Application of Bradley A. Kleffel, t/a Kleffel's Moving and Delivery Service.

In addition to confirming the briefing schedule which was agreed to at the close of testimony on October 4, 2011, Judge Jones specifically reiterated the Commission procedures for form and content of briefs set forth in sections 5.501 and 5.502 of 52 Pa. Code.

Applicant, however, filed a Brief that disregarded completely Judge Jones' Briefing order and commission regulations and instead consisted of a rambling, seven page text with no reference to the transcript of the hearing, no findings of fact and no ordering paragraph of relief. The seven pages were not even numbered.

The importance of complying with regulations and orders was addressed recently by Administrative Law Judge Eranda Vero in an initial decision dismissing Applicant's application in Application of Top's Movers, LLC, Docket No. A20102177293.

"Lack of compliance with an Administrative Law Judge's orders presents additional grounds for dismissing a pleading. *Cf. Snyderville Community Development Corporation v. Philadelphia Gas Works*, Docket Number C-20055032, Opinion and Order adopted June 22, 2006, entered July 31, 2006, *Craig and Debra Treffinger v. PPL Electric Utilities Corporation*, Docket Number C-20027978, Opinion and Order adopted February 6, 2003, entered March 3, 2003."

Protestants believe that Applicant's Brief should be disregarded.

Counter Argument of Protestants

However, even if the brief was acceptable, Applicant has failed to produce credible evidence of need. He argues that the Protestants who testified supplied his need evidence because they stated they can accomplish "small moves" by tariff or by combining moves. No information was offered about specific small moves, such as location, identity, date or items moved, as required by the Commission. The fact remains that Applicant offered no evidence of need in the requested territory and therefore, his application must fail.

He also failed to explain his deviation from Commission regulations (and probably his own tariff) regarding imposition of transportation fees and charges for work exceeding the estimate. This shows a propensity to operate illegally. This case indicates a failure by Applicant to learn and comply with regulations of the Commission.

III. PROPOSED ORDERING PARAGRAPH

THEREFORE,

IT IS ORDERED:

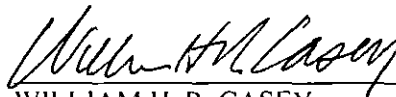
- I. That the application of No. A-2010-2202568, Bradley A. Kleffel, t/a Kleffel's Moving and Delivery Service is denied.

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Respectfully submitted,



WILLIAM H. R. CASEY
Attorney for Protestants

Date: 11/30/11

Proof of Service

I, William H.R. Casey, Esquire, hereby verify that a true and correct copy of the attached Brief of Protestants (Application of Bradley A. Kleffel, t/a Kleffel's Moving and Delivery Service, A-2010-2202569) was sent to the following parties:

Ms Rosemary Chiavetta, Secretary
Commonwealth of Pennsylvania
Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17120
Via U.S. Mail: First Class Postage, Proof of Mailing

Angela T. Jones
Administrative Law Judge
801 Market Street, Suite 4063
Philadelphia, PA 19107
Via e-mail: angelajones@pa.gov

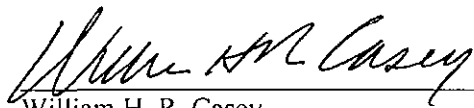
Larry W. Miller, Jr., Esquire
Miller Law Group
25 Stephens Avenue
West Lawn, PA 19606
Via e-mail: lmiller@millerlawgroup.net

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Date: 11/30/11



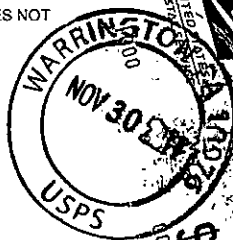
William H. R. Casey

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99 East Court Street
Doylestown, PA 18901

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