

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

Application of Ace World-Wide Moving : Docket Number
& Storage Co., a Corporation of the :
Commonwealth of Pennsylvania : A-00107916F0001, AmA

PREHEARING ORDER

On April 2, 1998, I was assigned to preside over this case. The purpose of this order is to bring to the attention of all parties' representatives certain procedural rules, observance of which will serve to "secure the just, speedy and inexpensive determination" of this proceeding. 1 Pa. Code §1.2(a).

Motor carrier application proceedings are governed by, inter alia, 52 Pa. Code §3.381(f) and (g), which provide, in pertinent part:

(f) Scheduling hearings. The applications to which timely protests were filed will not be acted on by the Commission for a period of 20 days after the closing date for filing of protests, to permit the applicant to make restrictive amendments leading to the withdrawal of protests. In the event that all protests are withdrawn upon amendment, the Commission may dispose of the application in accordance with subsection (e). In the event that the application is still subject to protest, then after the expiration of the 20-day waiting period, the Commission will set the application for hearing and will notify all parties thereof. Absent good cause shown, no further amendments to the application will be considered after expiration of the 20-day period or the commencement of hearings.

(g) Requests for postponements. In the event that any scheduled hearing is postponed for any reason prior to the date thereof, notice of postponement and the date, time, and place of the continued

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hearing will be given by the presiding officer of the Commission to all parties. Requests for hearing postponements shall be submitted in writing to the Secretary of the Commission and the presiding officer with copies to parties of record, no later than 5 days prior to hearing. Hearings will not be postponed absent good cause. (Emphasis added.)

Absent timely notice of settlement (i.e., no later than 5 days before the first scheduled hearing, on May 26, 1998), all parties to this proceeding shall be prepared to participate in the hearings scheduled to begin on that date.

In connection with the foregoing, restrictive amendments which result in undue and unreasonable fragmentation of authority have been held not to be in the public interest. Application of Central Valley Transportation, Inc., A-00103114 (Order adopted October 2, 1987, entered October 13, 1987); Application of Ace Motor Freight, Inc., A-00097068, F.1, Am-C (Order adopted May 17, 1978, entered May 24, 1978). Any amended authority must be clear, understandable and enforceable.

If you wish to offer into evidence at the hearing material in the form of documents (letters, bills, cancelled checks and the like), you should bring with you the required number of copies (an original and two copies for the Commission, one copy for every other party in the case, and a copy for yourself). 52 Pa. Code §5.409.

If you need to subpoena witnesses for the hearing, you should review 52 Pa. Code §5.421. You should submit your written application for subpoenas sufficiently in advance of the hearing so that the other parties will have the requisite ten days' notice to answer your application, and so that you will have enough time to receive the subpoenas and serve them.

Please be aware that there often is a delay in my receiving documents filed in Harrisburg. Therefore, serve me directly with any documents that you file in this proceeding.

Finally, I would also like to bring to your attention 52 Pa. Code §5.331(b) which provides, inter alia, that "[p]articipants shall endeavor to initiate discovery as early in the proceedings as reasonably possible," and 52 Pa. Code §5.322 which encourages participants to exchange information on an informal basis. I urge all parties to cooperate in discovery. Such cooperation is preferable to numerous or protracted discovery disagreements which require the presiding officer's participation for resolution. Please be aware that there are limitations on discovery and sanctions for abuse of the discovery process. 52 Pa. Code §§5.361, 5.371-3.572.

For your convenience, I am enclosing a copy of the Commission's service list as of this date.

ORDER

The parties shall comply with procedural rules and regulations discussed herein, and with the rules and precedents pertaining to the submission of restrictive amendments.

Date: April 7, 1998

Charles E. Rainey Jr.
CHARLES E. RAINEY, JR.
Administrative Law Judge

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