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June 10, 2015

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

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PA P.U.C.  
SECRETARY'S BUREAU

**Re: Application of Kris Eckerl, t/a Michaels Moving and Storage**  
**PUC Docket No.: A-2014-2429336**

Dear Ms. Chiavetta:

Please be advised that this office represents Matheson Transfer Company and Cadden Bros. Moving & Storage, Inc., Protestants in the above captioned matter. Accordingly, I enclose herewith an original Reply of Protestants, Matheson Transfer Company and Cadden Bros. Moving & Storage, Inc. to Exceptions of Applicant, Iris Eckerl, t/a Michaels Moving and Storage.

Kindly acknowledge receipt of the enclosure by time-stamping the enclosed copy of this letter and returning to me in the self-addressed, stamped envelope provided.

Respectfully submitted,

Richard T. Mulcahey, Jr.

RTMJR/mac  
Enclosure

cc: Honorable Erando Vero, ALJ (w/encls.)  
J.W. McGrath, Executive Director Pennsylvania  
Moving & Storage Associates (w/encls.)  
Mr. Kris Eckerl, t/a Michaels Moving and Storage (w/encls.)  
Matheson Transfer Company (w/encls.)  
Cadden Bros. Moving & Storage, Inc. (w/encls.)

BEFORE THE  
PENNSYLVANIA PUBLIC UTILITY COMMISSION

IN RE: Application Of :  
Kris Eckerl : PUC DOCKET NO.: A-2014-2429336  
t/d/b/a Michael's Moving :  
and Storage :

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REPLY OF PROTESTANTS, MATHESON TRANSFER COMPANY  
AND CADDEN BROS. MOVING & STORAGE, INC.  
TO  
EXCEPTIONS OF APPLICANT, KRIS ECKERL  
T/D/B/A MICHAEL'S MOVING AND STORAGE

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Richard T. Mulcahey, Jr., Esquire  
Attorney for Protestants  
Schubert, Gallagher, Tyler & Mulcahey  
121 South Broad Street, 20<sup>th</sup> Floor  
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## **I. INTRODUCTION**

Matheson Transfer Company and Cadden Bros. Moving & Storage, Inc. ("Protestants") reply to the Exceptions of Applicant, Kris Eckerl, t/d/b/a Michaels Moving and Storage ("Applicant") to the Initial Decision of Administrative Law Judge Erando Vero ("ALJ") dated April 29, 2015 and issued May 21, 2015 ("Initial Decision"). The Initial Decision recommends that the Application be denied.

An evidentiary hearing was held before the ALJ and testimony was received from only the Applicant. The ALJ carefully and fully reviewed all of the issues and submitted the Initial Decision as indicated above, denying the Application.

It is respectfully submitted by Protestants that the Exceptions of Applicant to the Initial Decision are without merit because there is no basis given for the Exceptions and Applicant attempts to introduce new evidence after the record has been closed. As such, the Commission should deny the same and adopt the Initial Decision of the ALJ. The ALJ's decision was a result of an analysis of all of the evidence received together with the corresponding regulations and case law.

## **II. REPLY**

Applicant did not file Exceptions to any of the ALJ's Findings of Fact. The only Exceptions filed by the Applicant were to Conclusions of Law that need and financial fitness was not established. Protestants reply as follows:

1. Applicant's first exception relates to the "needs Standard" in the Initial Decision. The specific conclusion of law that Applicant is apparently referencing is Conclusion of Law Number 9, which states:

"The Applicant failed to demonstrate that approval of the application will serve a useful public purpose, responsive to a public demand or need with respect to proposed service between points in Pike County, Pennsylvania. 52 Pa. Code § 41.14(a)."

As the ALJ pointed out, no public witness appeared and no evidence was presented with respect to need. Under 52 Pa. Code § 5.533(b) a moving party must cite relevant pages of the decision and the supporting

reasons for the exceptions should follow. Applicant failed to follow the Regulation and attempts to introduce new evidence in this case and as such, the Exception should be stricken.

2. Applicant's second exception relates to the "financial fitness standard" which is apparently a reference to Conclusion of Law 10, which states:

"The Applicant has failed to demonstrate that he possesses the financial ability to provide the proposed service between points in Pike County. 52 Pa. Code § 41.14(b)(1)."

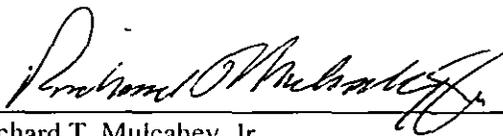
Although the Applicant provided some testimony with respect to his credit and costs for operation, he failed to address other standards regarding financial fitness as the ALJ outlined in her initial Decision at pages 12-13. Again, the Applicant failed to follow 52 Pa. Code 5.533(b) and again attempts to introduce new evidence after the record has been closed. As such, this exception should be stricken.

The ALJ recognized the deficiency in the evidence received and properly denied the Application.

### **III. CONCLUSION**

For the reasons set forth herein, it is respectfully requested by Matheson Transfer Company and Cadden Bros. Moving & Storage, Inc. that this Commission deny the Exceptions of Applicant, Kris Eckerl t/d/b/a Michaels Moving and Storage.

Respectfully submitted,

  
Richard T. Mulcahey, Jr.

CERTIFICATE OF SERVICE

I, MARY ANNE CRANAGE, hereby certify that on June 10, 2015, I forwarded by first-class mail, postage prepaid, Reply of Protestants, Matheson Transfer Company and Cadden Bros. Moving & Storage, Inc. to Exceptions of Applicant, Kris Eckerl t/d/b/a Michaels Moving and Storage as follows:

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

Honorable Erando Vero, ALJ  
Pennsylvania Public Utility Commission  
801 Market Street, Suite 4063  
Philadelphia, PA 19107

Mr. Kris Eckerl  
t/d/b/a Michaels Moving and Storage  
126 Snowshoe Drive  
Dingmans Ferry, PA 18328

J.W. McGrath, Executive Director  
Pennsylvania Moving & Storage Associates  
c/o JWM Associates  
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Marlboro, NJ 07746

Matheson Transfer Company  
157 Wells Street  
Forty Fort, PA 18704

Cadden Bros. Moving & Storage, Inc.  
1106 Mid Valley Drive  
Olyphant, PA 18447

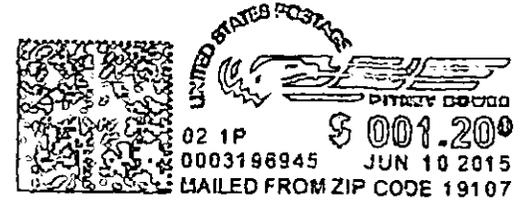
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Date: June 10, 2015

Mary Anne Cranage  
Mary Anne Cranage



LAW OFFICES

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