

COMMONWEALTH OF PENNSYLVANIA

DATE: September 30, 2004

SUBJECT: A-00103976
R-00049828

TO: Director, Bureau/Office of ADMINISTRATIVE LAW JUDGE

FROM: Janey Gast, Chief Compliance and Document Management

DOCKETED
DEC 01 2004

Pennsylvania Public Utility Commission
v.
Fischer-Hughes Transport, Inc.

**DOCUMENT
FOLDER**

The Commission at Public Meeting held + adopted an order in the above entitled proceeding

Please direct your attention to the "Ordering Paragraph(s)" for your Bureau's/Office's ongoing responsibility as identified therein.

Kindly acknowledge receipt of this memo by signing below and return this memo to:

Secretary's Office
Attn: Docketing Section
KEYSTONE BUILDING 2ND FLOOR

Thank you for your cooperation in this matter!

Receipt acknowledged:

(signature)

Susan Hoffman

(date)

9-30-04

RECEIVED

OCT 01 2004

PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU



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

IN REPLY PLEASE
REFER TO OUR FILE

January 7, 2005

In Re: R-00049828

(See attached list)

**DOCUMENT
FOLDER**

Pennsylvania Public Utility Commission

v.

Fischer-Hughes Transport, Inc.

DOCKETED

APR 05 2005

NOTICE

It appears that the above-captioned matter could be processed by mediation between or among the parties. Mediation is an informal, non-adjudicatory process. The mediator does not make a decision. Instead, the mediator serves as an impartial facilitator who helps the parties resolve their disputes. In other words, mediation is a process which allows the parties to control the outcome of their dispute, as opposed to a hearing where the Administrative Law Judge and the Commission control the outcome.

Moreover, mediation is different from a settlement conference which is based on competitive negotiations. In mediation, the parties agree to work together toward a final resolution of their differences considering how any solution must address the interests of all parties.

There is no stenographer at a mediation session and discussions are **confidential**, unless otherwise provided for by law. The mediation is not binding (except for an agreement reached) and any party may withdraw from the mediation at any time. Mediation is ordinarily an efficient and economical procedure compared to a hearing which is often expensive and time-consuming.

There can be no mediation unless the party with the burden of proof, and all other necessary parties consent to mediate. If the party with the burden of proof consents, in proceedings subject to a statutory deadline for adjudication, that party must also agree, in writing, to extend the statutory deadline by, at least, 60 days.

The Commission's file will reflect that you consent to the mediation process, unless the mediator named below hears from you to the contrary, in writing or by email, on or before January 14, 2005. The mediator's name and address are as follows:

Mediator: **Bruce Bigelow**
 Pennsylvania Public Utility Commission
 P.O. Box 3265
 Harrisburg, PA 17105-3265
 Telephone: (717) 783-5413
 Fax: (717) 787-0481
 Email: bbigelow@state.pa.us

By consenting to mediate, the Commission understands that you have made a commitment to act in good faith toward resolving the dispute in this matter. If you cannot make this commitment, you should not consent to use the mediation process.

If the parties agree to mediation, you will receive notification by mail of the date, time and place set for the mediation conference. If you have any questions regarding mediation, please call the mediator at the number provided above.

If you are a person with a disability, and you wish to attend the mediation session, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- AT&T Relay Service number for persons who are deaf or hearing-impaired: 1-800-654-5988.

pc: Mediator Bigelow
 Judge Jones
 Ona Lester
 Beth Plantz
 Docket Section
 Calendar File

PARTIES LIST

PENNSYLVANIA PUBLIC UTILITY COMMISSION v. FISCHER-HUGHES
TRANSPORT INC
R-00049828

BOHDAN R PANKIW CHIEF COUNSEL LAW BUREQU
PA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING 3W
400 NORTH STREET
PO BOX 3265
HARRISBURG PA 17105-3265
717.787.5000

MICHAEL E HOFFMAN DIRECTOR
BUREAU OF TRANSPORTATION & SAFETY
PA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING 3E
400 NORTH STREET
PO BOX 3265
HARRISBURG PA 17101-3265
717.783.3846

FISCHER-HUGHES TRANSPORT INC
450 N BROAD STREET
DOYLESTOWN PA 18901

CC: BRUCE BIGELOW
DOCKET SECTION



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

IN REPLY PLEASE
REFER TO OUR FILE

ORIGINAL

January 19, 2005

Mr. James J. McNulty, Secretary
Pa. Public Utility Commission
2nd Floor, 400 North Street
P.O. Box 3265
Harrisburg, PA 17105-3265

RE: Pennsylvania Public Utility Commission
Bureau of Transportation & Safety v.
Fischer-Hughes, Transport, Inc.
Docket No. R-00049828

Dear Secretary McNulty:

Enclosed for filing are an original and three copies of the Bureau's Notice of Appearance of Counsel. With a copy of this letter, I am sending copies of the enclosed to those persons listed on the attached Certificate of Service.

Very truly yours,

R.K. Smith, Jr.
Assistant Counsel

**DOCUMENT
FOLDER**

Enclosures

RECEIVED
2005 JAN 19 AM 10:51
PA PUC
SECRETARY'S BUREAU

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

PENNSYLVANIA PUBLIC UTILITY
COMMISSION, BUREAU OF
TRANSPORTATION AND SAFETY

Docket No.
R-00049828

v.

FISCHER-HUGHES, TRANSPORT,
INC.

2005 JAN 19 AM 10: 51
RECEIVED
PA PUC
SECRETARY'S BUREAU

NOTICE OF APPEARANCE OF COUNSEL

To the Secretary:

Please enter the appearance of the Law Bureau of the Pennsylvania Public Utility Commission in the above-captioned proceeding.

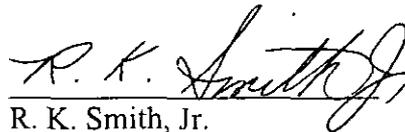
Counsel for the Law Bureau in this proceeding is R. K. Smith, Jr., Assistant Counsel.

Participation by the Law Bureau in this proceeding will be Full.

All service on and communications to the Law Bureau in this proceeding should be addressed to:

R. K. Smith, Jr., Assistant Counsel
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
(717) 787-5262

**DOCUMENT
FOLDER**


R. K. Smith, Jr.
Assistant Counsel

DOCKETED
FEB 10 2005

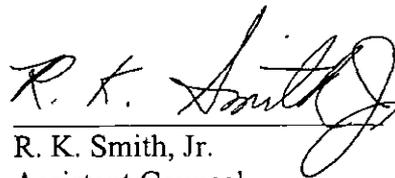
CERTIFICATE OF SERVICE

I hereby certify that I am, this 19th day of January, 2005, serving by first class mail the foregoing document upon the person listed below:

Administrative Law Judge Angela Jones
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Mediator Bruce Bigelow
Pennsylvania Public utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265

Fischer-Hughes Transport, Inc.
450 North Broad Street
Doylestown, PA 18901



R. K. Smith, Jr.
Assistant Counsel

RECEIVED
2005 JAN 19 AM 10:51
PA PUC
SECRETARY'S BUREAU



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

IN REPLY PLEASE
REFER TO OUR FILE

January 21, 2005

In Re: **R-00049828**

(See letter of 1-7-05)

Pennsylvania Public Utility Commission
v.
Fischer-Hughes Transport, Inc.

**DOCUMENT
FOLDER**

PRE-HEARING/MEDIATION NOTICE

Parties have consented to use the mediation process in the above-captioned matter.

A pre-hearing conference, immediately followed by a mediation session, will be held as follows:

Date: **Wednesday, February 9, 2005**

Time: **10:00 a. m.**

Location: **Hearing Room 4
Plaza Level
Commonwealth Keystone Building
400 North Street
Harrisburg, Pennsylvania**

Mediator: **Bruce Bigelow
Pennsylvania Public Utility Commission
P.O. Box 3265
Harrisburg, PA 17105-3265
Telephone: (717) 783-5413
Fax: (717) 787-0481
Email: bbigelow@puc.state.pa.us**

DOCKETED
FEB 16 2005

Presiding ALJ:

Administrative Law Judge Angela T. Jones

Pennsylvania Public Utility Commission

P.O. Box 3265

Harrisburg, PA 17105-3265

Telephone: (717) 783-5452

Fax: (717) 787-0481

ALJ Jones will attend for the purpose of setting hearing dates and dealing with matters that the parties would like to have on record. A court reporter will be present to record these matters. Thereafter, ALJ Jones and the court reporter will leave the session so that the mediation process can commence. With regard to the process, please review what follows.

Mediation is an informal, non-adjudicatory process. The mediator does not give advice, represent any party, or make a decision. Instead, the mediator serves as an impartial facilitator who helps the parties resolve their disputes. In other words, mediation is a process which allows the parties to control the outcome of their dispute, as opposed to a hearing where an Administrative Law Judge and the Commission control the outcome.

Moreover, mediation is different from a settlement conference which is based on competitive negotiations. In mediation, the parties agree to work together toward a final resolution of their differences considering how any solution must address the interests of all parties. The focus is not to determine fault, assign blame, or deal with past issues. Rather, the focus is on the future and on a consensual resolution that the parties can live with.

Because mediation is not an on-the-record proceeding, there will be no court reporter. Everything that takes place at the mediation session is, and must remain, confidential, unless otherwise provided for by law. This applies to everyone who is in the room. An agreement reached between or among the parties becomes public upon submission of the mediator's brief procedural report to a judge (or Commission) when the agreement is attached to the report.

The parties must act in good faith. A page entitled "Good Faith Factors for Mediation Sessions" is enclosed. If you feel that you cannot comply with these factors, please let the mediator know well in advance of the mediation session, because it may be that the case will not be suitable for mediation at the scheduled time.

Additionally, the parties must follow the Pennsylvania Bar Association Working Rules for Professionalism regarding their conduct. A copy of the Rules is also enclosed.

Mr. Bigelow has noted that the Law Bureau and Bureau of Transportation & Safety are Offices of the Pennsylvania Public Utility Commission and that he is an employee of the Commission. It is further noted that he is acquainted with and/or has previously worked with Mr. Smith and Mr. Sataloff. Mr. Bigelow has indicated that these factors will have no effect on his ability to be fair and impartial in the instant proceedings. However, if you object to having Mr. Bigelow serve as the mediator or if you are aware of any other factors which could affect his ability to be impartial, please let him know promptly.

In the meantime, please attempt to resolve the issues involved prior to the mediation session.

Any questions regarding the mediation should be directed to the mediator at the telephone number provided above.

If you are a person with a disability, and you wish to attend the mediation session, we may be able to make arrangements for your special needs. Please call the scheduling office at the Public Utility Commission:

- Scheduling Office: (717) 787-1399.
- For persons who are deaf or hearing-impaired, contact the AT&T Relay Service: 1-800-654-5988.

Enclosures

pc: Mediator Bigelow
Judge Jones
Ona Lester
Beth Plantz
Docket Section
Calendar File

PARTIES LIST

PENNSYLVANIA PUBLIC UTILITY COMMISSION v. FISCHER-HUGHES
TRANSPORT INC
R-00049828

✓ R KNICKERBOCKER SMITH ASSISTANT COUNSEL LAW BUREQU
PA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING 3W
400 NORTH STREET
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HARRISBURG PA 17105-3265
717.787.5000

✓ MICHAEL E HOFFMAN DIRECTOR
JAMES MINDER
BUREAU OF TRANSPORTATION & SAFETY
PA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING 3E
400 NORTH STREET
PO BOX 3265
HARRISBURG PA 17101-3265
717.783.3846

✓ ROBERT HUGHES
FISCHER-HUGHES TRANSPORT INC
450 N BROAD STREET
DOYLESTOWN PA 18901

✓ KENNETH D SATALOFF
PO BOX 1385
MT LAUREL NJ 08054-7385

GOOD FAITH FACTORS FOR MEDIATION SESSIONS

GOOD FAITH INCLUDES, AMONG OTHER THINGS:

1. GIVING THE PARTICIPANTS, PRIOR TO THE FIRST SESSION, ALL THE INFORMATION THEY NEED TO KNOW IN ORDER TO RESOLVE THE CASE. (The Commission believes "that formal discovery procedures are not appropriate in the informal [mediation] process." *Pa. Bul., Vol. 25, No. 20*, May 20, 1995, p. 1996. Therefore, discoverable information should be discovered informally.)
2. BEING FULLY PREPARED WITH FULL KNOWLEDGE OF THE CASE AND WITH POSSIBLE SOLUTIONS FOR RESOLVING THE CASE.
3. BEING WILLING TO CREATE OPTIONS TO RESOLVE A MATTER, CONSIDERING HOW THE SOLUTION MUST ADDRESS THE INTERESTS OF ALL THE PARTIES, AS OPPOSED TO TAKING AN UNYIELDING POSITION.
4. HAVING THE PERSON WITH THE AUTHORITY TO APPROVE THE TERMS FOR RESOLUTION ATTEND THE MEDIATION SESSION, OR, AT LEAST, BE AVAILABLE TO CONFER WITH THE PARTY'S REPRESENTATIVE DURING THE MEDIATION REGARDING APPROVAL OF TERMS.
5. DEMONSTRATING A WILLINGNESS TO LISTEN AND TO UNDERSTAND THE PERSPECTIVES OF THE OTHER PARTIES.
6. BEING WILLING TO SPEND THE ENTIRE DAY, IF NECESSARY, AT THE SESSION.

PBA Working Rules for Professionalism

The practice of law is a profession, a genuine calling inspired with service to the system of justice, not a common business enterprise. The quality of the profession is only as worthy as the character of the people who practice it.

Self-esteem, shared respect for each other, the clients we serve, the judges and the officers with whom we work, are essential to it.

Civility is a virtue, not a shortcoming. Willingness to temper zeal with respect for society's interest in preserving responsible judicial process will help to preserve it.

Unwritten rules of professional courtesy have long sustained us. Since they are sometimes forgotten, or sometimes ignored, we should set them down again and conscientiously observe them.

1 Treat with civility the lawyers, clients, opposing parties, the Court, and all the officials with whom we work. Professional courtesy is compatible with vigorous advocacy and zealous representation.

2 Communications are lifelines. Keep the lines open. Telephone calls and correspondence are a two-way channel; respond to them promptly.

3 Respect other lawyers' schedules as your own. Seek agreement on meetings, depositions, hearings and trial dates. A reasonable request for a scheduling accommodation should never be unreasonably refused.

4 Be punctual in appointments, communications and in honoring scheduled appearances. Neglect and tardiness are demeaning to others and to the judicial system.

5 Procedural rules are necessary to judicial order and decorum. Be mindful that pleadings, discovery processes and motions cost time and money. They should not be heedlessly used: If an adversary is entitled to something, provide it without unnecessary formalities.

6 Grant extensions of time when they are reasonable and when they will not have a material, adverse effect on your client's interest.

7 Resolve differences through negotiation, expeditiously and without needless expense.

8 Enjoy what you are doing and the company you keep. You and the world will be better for it.

Beyond all this, the respect of our peers and the society which we serve is the ultimate measure of responsible professional conduct.



COMMONWEALTH OF PENNSYLVANIA
PENNSYLVANIA PUBLIC UTILITY COMMISSION
Office of Administrative Law Judge
P.O. BOX 3265, HARRISBURG, PA 17105-3265
February 7, 2005

IN REPLY PLEASE
REFER TO OUR FILE

In Re: R-00049828

(SEE LETTER OF 1-21-05)

Pennsylvania Public Utility Commission
v.
Fischer-Hughes Transport, Inc

Cancellation Notice

This is to inform you of the following cancellation:

Type: Pre-Hearing/ Mediation Session
Date: Wednesday, February 9, 2005
Time: 10:00 a. m.
Presiding: Mediator Bruce Bigelow

Please mark your records accordingly.

pc: Mediator Bigelow
Judge Jones
Ona Lester
Beth Plantz
Docket Section
Calendar File

DOCKETED
FEB 24 2005

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PARTIES LIST

PENNSYLVANIA PUBLIC UTILITY COMMISSION v. FISCHER-HUGHES
TRANSPORT INC
R-00049828

R KNICKERBOCKER SMITH ASSISTANT COUNSEL LAW BUREQU
PA PUBLIC UTILITY COMMISSION
COMMONWEALTH KEYSTONE BUILDING 3W
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ROBERT HUGHES
FISCHER-HUGHES TRANSPORT INC
450 N BROAD STREET
DOYLESTOWN PA 18901

KENNETH D SATALOFF
PO BOX 1385
MT LAUREL NJ 08054-7385

**COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

DATE: February 16, 2005

SUBJECT: R-00049828
Pennsylvania Public Utility Commission v. Fischer-Hughes Transport, Inc.

TO: Wanda Zeiders
Docket Management

FROM: Ona Lester, ALJ Support Staff
Office of Administrative Law Judge

On February 11, 2005, a Petition for Leave to Withdraw was filed in the above-captioned proceeding. If no objection is filed to this petition within 10 days of service, this proceeding will be closed.

All parties should be notified that the case is closed and a copy of that notification placed in the document folder.

Attachment

pc: ALJ Angela T. Jones
Beth Plantz
Case File

**DOCUMENT
FOLDER**

DOCKETED
AUG 14 2006

**COMMONWEALTH OF PENNSYLVANIA
PUBLIC UTILITY COMMISSION**

DATE: February 16, 2005

SUBJECT: R-00049828
Pennsylvania Public Utility Commission v. Fischer-Hughes Transport, Inc.

TO: Wanda Zeiders
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FROM: Ona Lester, ALJ Support Staff
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