



COMMONWEALTH OF PENNSYLVANIA
 PENNSYLVANIA PUBLIC UTILITY COMMISSION
 PHILADELPHIA STATE OFFICE BUILDING
 1400 WEST SPRING GARDEN STREET
 PHILADELPHIA, PENNSYLVANIA 19130
 (215) 560-2105

RECEIVED
 96 JAN 17 PM 4:43
 PA P U C DIV.
 INFO. CONTROL
 REPLY PLEASE REFER TO OUR FILE

January 11, 1996

DOCKETED
 FEB 05 1996

RECEIVED
 OFFICE OF C.A.L.J.
 96 JAN 17 AM 11:02
 PA PUC

See Attached Service List

Re: Application of Hanoch Edelman,
 t/d/b/a Adam's Moving & Hauling
 Docket No. A-00112192

To All Parties:

Enclosed please find a copy of the Order issued in the above referenced case referring the Application, as amended by two Restrictive Amendments, to the Pennsylvania Public Utility Commission's Bureau of Transportation and Safety pursuant to 52 Pa.Code §3.381(e).

Applicant is reminded that it is applicant's responsibility to insure that withdrawals of all protests are made a part of the record.

Very truly yours,

Wayne L. Weismandel
 Administrative Law Judge

Enclosure

cc: New Filing (with enclosure)
 Acting Chief ALJ Robert Christianson (with enclosure)
 Susan Licon, Scheduling Officer (with enclosure)
 Elizabeth L. Plantz (with enclosure)

DOCUMENT
 FOLDER

BTL

BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION

RECEIVED
96 JAN 17 PM 1:43
F.A. P. U. C. DIV.
INFO. CONTROL DIV.

Application of : Docket Number
: :
Hanoch Edelman, t/d/b/a : A-00112192
Adam's Moving & Hauling :

DOCKETED

FEB 05 1996

ORDER

By Application (Application) filed May 24, 1995, Hanoch Edelman, t/d/b/a Adam's Moving & Hauling (applicant) requested that the Pennsylvania Public Utility Commission (Commission) grant it a certificate of public convenience for the right to begin to transport, as a common carrier by motor vehicle, household goods in use between points in Philadelphia, Montgomery and Bucks Counties and from points in said Counties to points in Pennsylvania.

Notice of the Application was published in the Pennsylvania Bulletin on June 17, 1995, and timely Protests (collectively "Protests," individually "Protest") were filed by Hoy Transfer, Inc., Shelly Moving & Storage, Inc., and Clemmer Moving and Storage, Inc. (collectively "protestants," individually "protestant").

Under cover letter dated July 25, 1995, applicant submitted a Stipulation between applicant and protestant Hoy Transfer, Inc. which included a negotiated Restrictive Amendment. The Stipulation was filed July 27, 1995, and amended the authority sought by applicant to read as follows:

DOCUMENT
FOLDER

To transport household goods, in use, between points in the counties of Bucks, Montgomery and the city and county of Philadelphia, and from points in the said city and counties to points in Pennsylvania;

with the aforesaid right subject to the following conditions:

1. That no right, power or privilege is granted to perform service to points in the county of Centre and those points in other counties lying within an airline distance of twelve (12) miles of the limits of the borough of State College, Centre County; and
2. That no right, power or privilege is granted to perform service for Avtex Fibers Lewistown, Inc., Lewistown Hospital, Geisinger Medical Group, and the Central Pennsylvania Conference of the United Methodist Church, to points in the county of Mifflin.

The Stipulation further provided that upon acceptance by the Commission of the Restrictive Amendment, the Protest of Hoy Transfer, Inc. is withdrawn.

By Hearing Notice dated November 14, 1995, a hearing was scheduled for January 4, 1995 (sic), and the case was assigned to me.

On November 17, 1995, I issued a Prehearing Order directing counsel for applicant and for protestants to exchange witness information and copies of proposed exhibits prior to the scheduled hearing. The Prehearing Order, and its cover letter, also advised that all parties (other than individuals representing themselves) must be represented by an attorney in an adversarial hearing.

By Corrected Hearing Notice dated November 17, 1995, the scheduled hearing date was corrected to January 4, 1996.

On January 3, 1996, I was contacted by counsel for applicant and was told that the remaining protestants and applicant had negotiated a further Restrictive Amendment and requested cancellation of the next day's hearing.

By Cancellation Notice dated January 4, 1996, the scheduled hearing in this case was cancelled.

Under cover letter dated January 4, 1996, a Restrictive Amendment and Stipulation between applicant and remaining protestants (Shelly Moving & Storage, Inc., and Clemmer Moving and Storage, Inc.) was submitted. I forwarded the original Restrictive Amendment and Stipulation submitted to me to the Commission for filing. The Restrictive Amendment submitted by applicant and remaining protestants provided that the authority sought by applicant would be as follows:

To transport household goods, in use, between points in the Counties of Bucks, Montgomery and the City and County of Philadelphia, and from points in the said City and Counties to points in Pennsylvania;

with the aforesaid right subject to the following conditions:

provided, however, that the transportation rendered hereunder shall be between points in the City and County of Philadelphia, the City of Norristown, Montgomery County, and five (5) statute miles from the limits of said City, and Lower Merion Township, Montgomery County, to points in Pennsylvania.

The Restrictive Amendment and Stipulation further provided that upon acceptance by the Commission of the Restrictive Amendment, the Protests of Shelly Moving & Storage, Inc. and of Clemmer Moving and Storage, Inc. are withdrawn.

As a result of the two Restrictive Amendments negotiated between applicant and protestants, the authority sought by the Application now reads as follows:

To transport household goods, in use, between points in the counties of Bucks, Montgomery and the city and county of Philadelphia, and from points in the said city and counties to points in Pennsylvania;

with the aforesaid right subject to the following conditions:

1. That no right, power or privilege is granted to perform service to points in the county of Centre and those points in other counties lying within an airline distance of twelve (12) miles of the limits of the borough of State College, Centre County; and
2. That no right, power or privilege is granted to perform service for Avtex Fibers Lewistown, Inc., Lewistown Hospital, Geisinger Medical Group, and the Central Pennsylvania Conference of the United Methodist Church, to points in the county of Mifflin.
3. Provided, however, that the transportation rendered hereunder shall be between points in the City and County of Philadelphia, the City of Norristown, Montgomery County, and five (5) statute miles from the limits of said City, and Lower Merion Township, Montgomery County, to points in Pennsylvania.

Inasmuch as the Application, as amended by the two Restrictive Amendments, is now unprotested, it shall be referred

for consideration by the Commission's Bureau of Transportation and Safety pursuant to the modified procedure specified in 52 Pa.Code §3.381(e).

THEREFORE,

IT IS ORDERED:

1. That the Application of Hanoch Edelman, t/d/b/a Adam's Moving & Hauling, as amended by two Restrictive Amendments, at Docket Number A-00112192 be referred to the Pennsylvania Public Utility Commission's Bureau of Transportation and Safety pursuant to 52 Pa.Code §3.381(e).

JANUARY 11, 1996

Date

Wayne L. Weisman

WAYNE L. WEISMANDEL
Administrative Law Judge

Application of Hanoch Edelman, t/d/b/a Adam's Moving & Hauling
For the right to begin to transport, as a common carrier, by motor
vehicle, household goods in use, between points in the counties of
Bucks, Montgomery and the city and county of Philadelphia, and from
points in the said counties and city, to points in Pennsylvania.
Docket Number A-00112192

SERVICE LIST

Hanoch Edelman, t/d/b/a
Adam's Moving & Hauling
68 Overlook Drive
Jeffersonville, PA 19403

Richard T. Mulcahey, Jr., Esquire
Schubert, Bellwoar, Mallon & Walheim
Two Penn Center Plaza, Suite 1400
1500 John F. Kennedy Blvd.
Philadelphia, PA 19102-1890
(for applicant)

Herbert R. Nurick, Esquire
McNees, Wallace & Nurick
100 Pine Street
P.O. Box 1166
Harrisburg, PA 17108-1166
(for Hoy Transfer, Inc.)

William H.R. Casey, Esquire
Casey and Rossi
99 East Court Street
Doylestown, PA 18901
(for Clemmer Moving & Storage, Inc. and
Shelly Moving & Storage, Inc.)